DOCUMENTS
DEPT.

FROM

The Regents of the University,

EX-OFFICIO

TRUSTEES OF THE STATE LIBRARY,

IN BEHALF OF THE

State of New-York.

To the Brooklyn Coll. of Polytechnic Institute.

DOCUMENTS
DEPT.

JOURNAL

OF THE

LEGISLATIVE COUNCIL

OF THE COLONY OF

NEW-YORK.

Began the 9th Day of *April*, 1691;

AND

Ended the 27 of *September*, 1743.

Publiſhed by Order of the Senate of the State of New-York.

ALBANY:
Weed, Parsons & Company, Printers.
1861.

J87
N69b
v.1
DOCUMENTS
DEPT.

HISTORICAL INTRODUCTION.

BY E. B. O'CALLAGHAN

A Representative form of government and an elective Assembly were not permanently established in New York until nearly a century after the discovery of the country by Hudson. Whilst it was a Dutch Colony the Dutch Roman Law was supreme, and all powers, executive, legislative and judicial, were vested in, and exercised by, a Governor and Council.

New York originally a Dutch Colony.

This arbitrary system had excited dissatisfaction as early as 1653, when a convention of Delegates, assembled in New Amsterdam, declared it to be "contrary to the first intentions and genuine principles of every well regulated Government, that one or more men should arrogate to themselves the exclusive power to dispose, at will, of the life and property of any individual, and this by virtue, or under pretence, of a law or order which he might fabricate, without the consent, knowledge or approbation of the whole body, their agents or representatives. Hence the enactment, in manner aforesaid, of new laws affecting the commonalty, their lives and property, which is contrary to the granted privileges of the Netherland government, and odious to every free-born man, and principally so to those whom God has placed under a free state, in newly-settled lands, who are entitled to claim laws, not transcending, but resembling, as near as possible, those of Netherland. We humbly submit that it is one of our privileges, that our consent, or that of our Representatives, is necessarily required in the enactment of such laws and orders."

1653. 10 December.

Early discontent.

Demand for a Representative Assembly.

O'Callaghan Hist. of New Netherland II., 244, 245.

The feeling evinced here did not die away with the occasion, and when the English fleet made its appearance eleven years afterwards, one of the first steps taken by the Royal Commissioners was to issue a Proclamation promising the people protection, "and all other privileges with his Majesty's subjects."

1664. 20 August.

Among these privileges, none were so highly prized as that of Representation. New England, Maryland and Virginia had been long in the possession and exercise thereof. NEW YORK was, so to speak, surrounded by Colonies whose inhabitants had a voice in the making of their own laws, and it is not surprising that it, too, looked on an Assembly as among the first fruits of the change of rulers.

All the Colonies except New York in possession of Representative Assemblies.

The language of the proclamation fostered this hope, which was only encouraged by a letter addressed by Governor NICOLLS to Captain Young,

949285

1664. 29th August.

of Long Island, two days after the surrender of New York, to be communicated to those who took up arms under his command, for their King and Country, and "so eminently expressed their affections;" whom, upon all occasions and in the first place, he would be always ready to gratify. In this letter he promised that "Deputys shall in convenient time and place, be summoned to propose and give their advice in all matters tending to ye peace and benefitt of Long Island."

Gov. Nicolls promises to summon Deputies.

1 December.

This promise was renewed some months afterwards, in a letter to Major John Howell and Capt. John Young. "They may assure themselves of equall (if not greater) freedomes & immunityes then any of his Maties colonyes in New England."

N. Y. Gen. Entries, I., 29, 66.

A circular was accordingly addressed to the Inhabitants of Long Island, in these words:

Letter of Governor Nicolls to the people of Long Island.

"WHEREAS the Inhabitants of Long Island, have for a Long time groan'd under many grieuious inconveniences, and discouragem^ts, occasioned partly from their subjection, partly from their opposicōn to a forraigne Power, in which distracted condicōn, few, or no Lawes could bee putt in due execucōn, Bounds and Titles to Lands disputed, Civill Libertyes interrupted, and from this Generall confusion, private dissentions and animosityes, have too much prevailed against Neighbourly Love, and Christian Charity; To the p^rventing of the future growth of the like Evills, his Ma^ty (as a Signall grace and honour to his Subjects upon Long Island), hath at his owne charge reduc't the forraigne Power to his obedience, and by Pattent hath invested his Royall Highnesse the Duke of Yorke, with full and absolute Power, in and over all and every the Particular Tracts of Land therein mentioned, which said Powers by Commission from his Royall Highnesse the Duke of Yorke, I am deputed to put in execution, In discharge therefore of my Trust and Duty, to settle good and knowne Lawes within this Government for the future, and receive your best advice and Informacōn in a Generall meeting, I have thought fitt to Publish unto you, That upon the Last day of this p^rsent ffebruary at Hempsteed upon Long Island, shall be held a Generall meeting, wch is to consist of Deputyes chosen by the major part of the freemen onely, which is to bee understood, of all Persons rated according to theire Estates, whether English, or Dutch, within your severall Townes and p^rcincts, whereof you are to make Publicacōn to the Inhabitants, foure dayes before you proceed to an Election appointing a certaine day to that purpose; You are further to impart to the Inhabitants from mee, That I do heartily recommend to them the choice of the most sober, able, and discreet Persons, without partiality or faction, the fruite & benefitt whereof will returne to themselves in a full and perfect settlement and composure of all controversyes, and the propogacōn of true Religion amongst us, They are also required to bring with them, a draught of each Towne Limitts or such writings as are necessary to evidence the Bounds and Limitts, as well as the right by which they challenge such Bounds and Limitts by Grant or Purchase, or both, as also to give notice of this meeting, to the Sachems of the Indyans, whose p^rsence may in some cases bee necessary, Lastly I do require you to Assemble your Inhabitants and read this Letter to them, and then and there to nominate a day for the Election of two Deputyes from youre Towne, who are to bring a Certificate of their due Election, (with full powers to conclude any cause or matter relating to their severall Townes) to meet at Hempsteed upon the Last day of ffebruary, where (God willing) I shall expect them.

Deputies to be elected.

Two from each Town.

N. Y. Gen. Entries, I., 93.

Your assured ffriend,

RICHARD NICOLLS.

In accordance with this call, the undernamed Deputies met the Governor at Hempstead on the first of March, 1665: 1665. 1 March.

Names of the Deputies.

From East Hampton,	THOMAS BACKER JOHN STRATTON
South Hampton,	THOMAS TOPPING JOHN HOWELL
Seatalcott,	DANIELL LANE ROGER BARTON
Huntington,	JONAS WOOD JOHN CETCHAM
Oyster Bay,	JOHN UNDERHILL MATHIAS HARVEY
Hempsteed,	JOHN HICKS ROBERT JACKSON
Jamaica,	DANIEL DENTON THOMAS BENEDICT
Gravesend,	JAMES HUBBARD JOHN BOWNE
West-Chester,	EDWARD JESSOP JOHN QUINBY
New Towne,	RICHARD BETTS JOHN COE
fflushing,	ELIAS DOUGHTY RICHARD CORNHILL
Southhold,	WILLIAM WELLS JOHN YOUNGE
Brookland,	FFREDRICK LUBBERTZEN JOHN EVERTSEN
Bush-wick,	JOHN STEALMAN GISBERT TUNIS
fflatt Bush,	JOHN STRIKER HENDRICK YORASSEN
fflatt Lands,	ELBERT ELBERTSEN ROLOFFE MARTENS
New Utricht,	JAQUES COUTILLEAU YOUNGER FFOSSE

These delegates continued in session some two or three days. We possess the record of only one day's proceedings, which consists of two orders in suits wherein the Town of Flushing was plaintiff and the Towns of Jamaica and Hempstead were severally defendants. An Address was voted to his Royal Highness the Duke of York filled with expressions of gratitude and loyalty, in which the Deputies publicly and unanimously declared their cheerful submission to all such laws, statutes and ordinances which are or shall be made by virtue of authority from his Royal Highness, his heirs and successors forever.

They vote an Address to the Duke of York.

N. Y. Colonial Doc., III., 91.

The Code prepared for, and promulgated at, this Meeting, is known as "The Duke's Laws;" a number of additions and amendments were made to it in October, 1665, by the court of assize, after which it was transmitted to England for confirmation. A copy, with the Duke of York's name affixed, is in the office of the Secretary of State at Albany. It is certified to agree with the original, "By command of his Royall Highnesse" M WREN[1]. These laws, amended from time to time, were in force as late as 1687, and so continued we presume until 1691.

The Duke's Laws.

N. Y. Col. Doc., III., 194, 390.

[1] MATHEW WREN was appointed secretary of the Duke York in September 1667, and filled that office until his death in 1672. The date of the copy of the Duke's Laws in Albany, may therefore be easily approximated. It is evidently one of the earliest editions.

1665.

The Hempstead meeting not a Legislature.

The meeting at Hempstead, however otherwise important, could not be dignified with the title of a Legislative Assembly of the Province of New York. Deputies were chosen only from Long Island and Westchester; none were elected to represent New York, Esopus or Albany. In fact, the people were allowed no share in legislation and there was no intimation that another meeting would be convened. A limited legislative power was thenceforth exercised by the Governor and Council, who with the Mayor of New York, the High Sheriff and Justices of the Peace, constituted *The Court of Assizes.*

The Court of Assizes a limited Legislature.

This body met annually in October and "all but the members of the court being dismisst," made by "majority of votes," at the close of the session such amendments and additions as they thought proper to the Duke's Laws; but in regard to the Revenue arising from Imports and Exports, or "customs" as it was called, the Court could not make any alteration; its powers were only recommendatory. The instructions and directions of his Royal Highness were the supreme law and, whenever from time to time received, "the General Court of Assizes was thought the most proper place for ye publishing of businesse of such publique concernes." Like the Hempstead meeting, it was virtually a *lit de justice*, to register the edicts of the Duke of York and his council in England, or of his Governor and Council here. This Court continued in existence until the 1st November, 1684, when it ceased and determined pursuant to an Act of the Assembly.

Court of Assize, pp. 320, 325, 414.

It is not surprising that the people were dissatisfied and disappointed with such a system; or that, dissatisfied, they in time expressed their discontents.

Public discontent.

John Underhill, an old Cromwellian, who had already in 1653 hoisted the Parliament's colors on Long Island, and protested against imposing "of magistrates on freemen without election and voting," was among the first to "represent the distempers of the people against the present forme of Government by which they are inslaved under an Arbitrary Power," and hinted that there were some who would "hazard both life and estate in a mutiny and rebellion rather than beare the burden of the public charge." John Young, too, who had contributed so efficiently to the success of the English arms, was known to be disaffected; but Governor Nicolls succeeded by a prudent distribution of the favors of government, to quiet some and gain over others, leaving to his successor to continue the system as best he could.

N. Y. Gen. Entries, I., 58, 60.

Renewed demand for an Assembly.

His departure seems to have been the signal for the revival of the agitation. Petitions from the Towns of Hempstead, Oysterbay, Flushing, Jamaica, Westchester, Eastchester, Newtown and Gravesend were presented to the Court of Assizes, praying for a redress of several grievances, the first and principal of which is thus set forth:

1669.
5 November

"That what was promised upon our submission by Governo^r^ Nicolls & ye rest of his Maties commissioners should be made good to us (vizt) That we should be protected by his Maties Lawes & enjoy all such priviledges as other his Matie subjects in America do injoye, wch priviledges consist in advising about &^s^ approving of all such Lawes wth ye Governo^r^ & his Councell as may be for ye Good & benefitt of ye comon wealth, not repugnant to ye Laws of England, by such deputyes as shall be yearely chosen by ye freehold^rs^ of every Towne or

parish, & likewise to be informed what is required of us his Maties subjects by vertue of ye comission granted from his R H^ss^ ye Duke of Yorke." 1669.

The prayer of this Petition was rejected with cool effrontery, and the implied, if not formal, promise given by Governor Nicolls and His Majesty's Commissioners, boldly ignored.

"In answer to ye 1st head wherein they desire to have Deputyes to be Joyned wth ye Governour & Councell in making of ye Lawes of ye Government as is Customarye in ye Neighbour Colonyes, & as Co^ll^ Nicolls did promise them;

It doth not appeare that Co^l^ Nicolls made any such promise & ye Governo^rs^ instructions directing him to make no alterations in ye Lawes of ye Governm^t^ settled before his arivall, they cannot expect his Hono^r^ can comply wth them therein, & for their desire to know what is required of them, There is nothing required of them but obedience and submission to ye Lawes of ye Governm^t^ as appeares by his R H^ss^ Cōmission wch hath often beene read unto them." Petition rejected. Court of Assize, pp. 228, 231.

This did not satisfy the people who embraced an early opportunity to manifest their temper. The palisadoes surrounding the fort at New York being fallen to decay, an order was issued to the several Justices at their next court of sessions to conclude on ways and means to repair them. Contributions required by Government.

But the English settlers on Long Island brought with them the doctrine that Taxation and Representation were inseparable — and that Taxes could be lawfully imposed on the people only by their freely chosen Representatives. Accordingly the Towns of Southold, Southampton and Easthampton agreed to contribute to the repairs of the fort, "if they might have the privileges that other his Majesty's subjects in these parts [meaning those of New England] have and do enjoy." The people refuse to contribute

Huntington refused compliance "because they were deprived of the libertys of Englishmen." The people of Jamaica considered themselves already and sufficiently burdened by the enhanced price which they paid for their goods, in consequence of the duties the governor imposed on them, in addition to a penny in the pound which they paid towards the public charges, and declared that a compliance with the order would be contrary to the King's Instructions, which forbid any law to be enforced on the country that was contrary to the laws of the Nation; meaning that no law for taking their money out of their pockets without the consent of their Representatives, was consistent with the British constitution; that on the same principle, they might be required to maintain the garrison, and what else they knew not, till there be no end; but (they concluded) "if it may appear to us that it is the King's absolute order to impose the said burden and disprivilege us, contrary to his former good intentions and instructions, and contrary to the liberties his Majesty's subjects enjoy in his territories and dominions, we shall with patience, rest under the said burdens until address be made to the King for relief." because deprived of the rights of Englishmen.

Flushing and Hempstead doubtless concurred in these sentiments, for the constables of these towns laid the declarations before the court of sessions at Jamaica, and in the week following, before the sessions held at Gravesend, when the court concluded and adjudged, as their sentiments and opinions, "that the said Papers are in themselves false, 1670 21 December.

1670. Remonstrances of the people are denounced,

scandalous, illegal and seditious, tending only to disaffect all ye peaceable and well meaning subjects of his majesty in theise his R. H^ss his Territories & dominions," and referred them to the Governor and his Council "to proceed there upon as they conceive shall best tend to ye suppression of such mischief as may arise by ye impression of false suggestions & jealousyes in ye myndes of peaceable and well meaning subjects from their just dutyes and obedience to ye Laws within theise his R. H^ss his Territoryes & Dominions."

29 December. and ordered to be publicly burned in New York.

The Governor and Council, having taken this reference into their consideration, adjudged the said papers "to be both scandalous illegall and seditious, and that they be openly and publiquely burned before ye Towne howse of this citty at ye next mayors court, and that ye principal contriver thereof be inquired into and proceeded against according to their demeritts and ye Lawes of ye Land Establisht."

Conrt of Assize, 650, 651.

1673. The Dutch reduce New York

1674. November. New York restored. Ed. Andros, gov.

War between England and Holland having broken out, the country returned into the hands of the Dutch and was governed absolutely by them. It was not restored to the English until 1674. Major Edmund Andros the new governor was instructed to put in execution the laws already established by Cols. Nicolls and Lovelace, and not to vary from them except by advice of the Council and the gravest and most experienced persons there; if any alteration were made, it was to be only temporary, and, if not confirmed by the Duke of York within a year, was to be utterly void at the end of that time.

Revenue law made in England,

These instructions carried within them what ultimately proved to be the destruction of the whole system of absolute government now reëstablished. Though an Instruction, it was to all purposes a Law enacted by the mere motion of his Royal Highness. It was entitled, "Rates established for the customs at New York;" and was to continue in force three years. At the end of that time these duties were continued for three years longer by the same authority, but expired by their own limitation in the month of November, 1680.

Expires.

N. Y. Col. Doc. III., 217, 246.

1681. May 14th.

Refusal to pay any more duties was the consequence. "I have one thing of great moment to acquaint you with," writes Anthony Brockholls, then in charge of the government, to Sir John Werden, "which is the Losse or att least wise a p^rsent cessation from payment of his Royall Highnesse Customs Established here, the time to wch they were limitted to be Received being expired in Novemb^r last, it being mencōned in the Regulacōn of the Customs that is to hold good for three yeares from November 1677, which being publiquely knowne to the merchants they all refuse to pay any Customes or Dutyes and Capt Dyre, the Collector, being now very ill, a Pinke from London hath Vnloaded her Goods and carryed them to their warehouses without takeing any notice of the Custome house or officers, absolutely Refuseing to pay any Customs."

The merchants of New York refuse to pay duties,

and unload their goods without entry.

Orders, Warrants, &c., XXII½, 44, 45.

A general confusion in the government followed. "The Councell met and advised thereupon but find noe power or authority to continue the same longer, without orders from Home."

The Collector of the port is sued;

The legality of the customs having been thus denied, suits were instituted against the collector of the port for detaining goods on which duties had not been paid. Judgment having been rendered against him,

a Bill of indictment was found charging him with having "as a false Traytour," "trayterously maliciously and advisedly used and exercised Regall power and authority over the Kings subjects," by virtue of which he "hath many times since the first of November last, establisht and imposed unlawfull customs and impositions on the goods and merchandize of his Maj^ties Liege People tradeing in this place, by force compelling them to pay the same and hath employed and made use of souldiers to maintaine and defend him in these his unjust and unlawfull practices contrary to the great Charter of Libertyes, contrary to the Peticōn of Right, and contrary to other Statutes in these cases made and provided and contrary to the honour and peace of our most Soveraigne Lord the King that now is, his Crowne & Dignity."

1681. Judgment rendered against him; is indicted as a traitor;

Mr. Dyre was forthwith arraigned before the Court of Assizes on a charge of High Treason, but questioning the power and authority of the court, he was shipped to England, with copies of the proceedings against him, to be disposed of as the authorites there may deem fit. This spirited measure had the effect of laying in ruins that system of despotism which had so long affected the people of New York; for the government as established, continues Captain Brockholls, "is much disliked by the People who generally cry out for an ASSEMBLY, and to that end a Petition was ordered to be drawn up and sent to his Royal Highnesse from and in the name of the Court of Assizes, which I judge is accordingly done."

arrested on a charge of High Treason, 1 July. and shipped to England. Renewed clamor for an Assembly.

The Council of the Duke of York now for the first time entertained a doubt as to his power lawfully to impose customs; Sir John Werden "hinted" to Captain Brockholls that "his Royal Highness will condescend to ye desires of that colony in granting y^m equall priviledges in choosing an assembly &^c as ye other English plantations have;" and the Duke of York himself announced in an autograph letter his intention "to establish such a forme of government at New Yorke as shall have all ye advantages & priviledges of ye inhabitants & traders there, wch His Mat^s other plantacōns in America doe enjoy, particularly in the chooseing of an ASSEMBLY and in all other things as neere as may be agreeable to the laws of England."

1682. 28 March. An Assembly conceded.

Colonel THOMAS DONGAN was charged with the duty of carrying into effect his Royal Highness' intentions, for which purpose he received the following Instructions:

N. Y. Col. Doc., III, 317. 1683. 27 January.

You are also wth advice of my Councill wth all convenient speed after yor arrivall there, in my name to issue out Writts or warr^ts of Sumōns to ye sev^rall Sheriffes or other proper Offic^rs in every part of y^r said governem^t wherein you shall expresse that I have thought fitt that there shall be a Gen^ll Assembly of all the Freeholders, by the p^rsons who they shall choose to rep^rsent y^m in ord^r to consulting wth yo^rselfe and the said Councill what laws are fitt and necessary to be made and established for the good weale and governem^t of the said Colony and its Dependencyes, and of all the inhabitants thereof, & you shall issue out the said Writt or Sumōns at least thirty dayes before the time appointed for ye meeting of the said Assembly, wch time and alsoe the place of their meeting (wch I intend shalbe in New Yorke) shall alsoe be menconed & expressed in the said Writt or Sumōns, and you wth advice of my said Councill are to take care to issue out soe many writts or sumōns and to such officers, in every part, not

Instructions to the Governor to call an Assembly in New York.

1683. exceeding eighteene, soe y^t the planters or inhabitants of every part of ye s^d governem^t may have convenient notice thereof and attend at such ellection, if they shall thinke fitt. And w^n the said Assembly soe elected shalbe mett at ye time and place directed, you shall lett y^m know that for the future it is my resolucôn that ye said Gen^ll Assembly shall have free liberty to consult and debate among themselves all matt^rs as shall be apprehended proper to be established for laws for the good governem^t of the said Colony of New Yorke and its Dependencyes, and y^t if such laws shalbe propounded as shall appeare to mee to be for the manifest good of the Country in generall and not p^rjudiciall to me I will assent unto and confirme y^m.

Title of the Assembly.

In the passing and enacting of all such laws as shalbe agreed unto by the said Assembly, wch I will have called by the name of the Generall Assembly of my Colony of New Yorke and its Dependencyes, wherein the same shalbe (as I doe hereby ordaine they shalbe) p^rsented to you for yor assent thereunto. You are to consider whether ye same be for the gen^ll good and not prejudiciall to me; and if you find them soe to be, then you are to give yor assent thereunto.

The Governor to have a negative on all Bills.

But if you shall judge them inconvenient or p^rjudiciall, you are to refuse yor assent thereunto, and in all cases you are to have a negative voice to refuse all Laws y^t are presented to you; and w^n you shall have given yor consent to such laws as shalbe soe agreed, you shall by the first opportunity transmitt the same to me und^r ye hands of yor selfe and Councill, and und^r the seale of the Colony (wch you are to use in passing of grants) to ye end that I may ratifye and confirme ye same if I shall approve, or reject y^m if I doe not thinke them reasonable. But the said laws soe assented unto by you, shalbe good and binding untill such time as I shall cause my dislike of & refusall to passe y^m to be signifyed unto you, and from thenceforth ye same shall cease and be null and voyd to all intents. And I doe alsoe give you power from time to time to cause ye said Gen^ll Assembly to be sumôned wch I also authorize you to adjourne or dissolve as you shall see reason and cause. And I doe further direct you not to passe any law upon any occasion whatsoever for rayseing any publique revenue, unlesse expresse mencôn be made therein y^t the same is levyed and granted unto me, or unto me for ye support of ye Governmen^t or to such uses as the said law shall appoint. And you are as much as in you lyeth to take effectuall care y^t there may be a constant Establishment for raiseing of money sufficient to support and maintaine ye charge of the governem^t of those parts both Civill & Military; and alsoe that there may be money raised for paying and dischargeing the arreares now due to ye Officers & soldiers and other expenses of the governm^t. And are not to suffer any publique money w^tsoever to be issued or disposed of otherwise then by a warr^t under your hand.

The Duke of York to have a Veto on all Laws.

And it is my expresse will and pleasure y^t all laws w^tsoever for the good governem^t and support of my said Colony of New Yorke with its Dependencyes be made indefinite and without limitacôn of time, except the same be for a temporary end, & wch shall expire and have its full effect w^thin a certaine time. And you are not to passe any laws or doe any act by Graunt, Settlement or otherwise whereby my revenue may be remitted, lessened or impaired, w^thout my especiall leave or commands therein.

N. Y. Col. Doc., III., 331, 332.

With these Instructions Colonel Dongan brought a letter of introduction, of which the following is a copy, from the Duke of York

To the Generall Assembly at New Yorke.

2 March.

Gentlemen,

Letter of his Royal Highness to the Assembly of New York.

I have thought fitt to send Coll Dongan to be my Lieutenant Govern^r of New Yorke and its Dependencyes, and haue directed him to call you together as a

Generall Assembly, that you may consult and propose all such matters as shall be for the Publique Good; and I desire you to giue entire credence to what he shall say to you in my behalfe, who Am 1683.

London 2d March 168⅔ Your louing freind

JAMES. N. Y. Col. MSS., XXXI., 13.

Governor Dongan arrived in New York in the latter part of August 1683, and at a meeting of the Council held at Fort James on the 13th September following, it was

Ordered, that warrants be sent to the Sheriff of Long Island to warne the ffreeholders to name two deputies for each Rideing to appeare as their Representatives at the Generall Assembly to be held at the City of New York on the 17th day of October 1683. 13 September. Writs issued for the Election of Representatives,

Ordered, that the ffreeholders of every Town on Long Island chuse a Committee of foure to meet at the Sessions howse of every Riding, there to chvse two to be their Representatives; and appear for them at the Generall Assembly For Long Island;

Ordered, that Statten Island nominate one Representative Staten Island;

Ordered, that the Sheriff of Long Island summon the ffreeholders of ffishers Island to name one to vote along with the East Rideing of Long Island, & Silvesters & Gardiners Island to vote with the East end of Long Island.

Ordered, that the Sheriff of Esopus warn the ffreeholders to chvse foure of themselues in each Town, as a Committee for themselues, & those foure out of each Town to meet at the Sessions howse, then to chose two to be Representatives for Esopus at a Generall Assembly to be held at New York the 17th day of October next ensueing Esopus;

Ordered, that the Sheriff of Albany & Rancelaers Colony cavse the ffreeholders to meet & chvse two persons to be their Representatives in the Generall Assembly to be holden at the City of New York on the 17th day of Octobr 1683. Albany and Rensselaerswyck;

Ordered, that the saide Sheriff appoint the ffreeholders of Schanectade & dependences thereto belonging to chvse one to be their Representative in the Generall Assembly to be held at New York Octobr ye 17th 1683 Schenectady;

Ordered, that John Allen be made Sheriff of Pemaquid & Dependences, or Islands & whatever is thereto belonging, & then to appoint the ffreeholders of Pemaquid & Dependences to meet & chvse one Representative Pemaquid;

Ordered, that Matthew Mayhew be Sheriff of Martins Vineyard, Nantuckett Elizabeth Island & all other Islands from the Eastward of Long Island to Nantuckett Shoales, belonging to his Rll Highss James Duke of York &c., & that he appoint the ffreeholders of the said places to meet & chuse one out of each Island to meet in the most convenient place to chvse one Representative for themselves in the Generall Assembly to be holden at the City of New York Octobr ye 17th 1683. Martin's Vineyard and adjoining Islands,

Ordered, that a Writt be sent to the Sheriff of New York to summon the ffreeholders of the City of New York, the Bowries or farmes, & Haerlem to chvse four Representatives for the City of New York &c 15 September. and New York.

Representatives thus elected met, for the first time, in General Assembly, on the *Seventeenth* of *October* in the year 1683, at Fort James in the City of New York. 17 October. 1st Meeting of the Legislature of New York.

The Journals of both houses being lost, we are unfortunately unable to supply the names of the members of the Assembly. The Legislative Council was composed of

		Names of the Members of the Council.
The Governor,	Stephen Van Courtland,	
Anthony Brockholls,	Lucas Santen,	
Frederick Flypsen,	John Youngs.	

1683. MATHIAS NICOLLS was elected Speaker, and John Spragge (though a member of the Council) was appointed Clerk, of the Assembly.

Acts passed. Fifteen acts were passed, at this Session, of which the following are the titles, with the dates on which they were signed by the Governor.

TITLES of ACTS passed at the *First Session* of the *First Assembly* of the Colony of *New York:*

October 30, 1863.

Vetoed by James II., 3d March, 1685. THE CHARTER of Libertyes and priviledges granted by his Royall Hignesse to the inhabitants of New Yorke and its dependencyes; and

A CONTINUED BILL for the requisite charges of the Government.

October 31, 1683.

AN ACT for the allowance to Representatives.

November 1, 1683.

AN ACT to divide this province and Dependencyes into Shires and Countyes.

AN ACT for naturalizeing all those of forreigne Nations at p'sent inhabiteing within this province and professing Christianity and for Encouragem't of others to come and settle within the same.

AN ACT for repealing the former Lawes about Rates and Allowance to the Justices of the peace.

AN ACT to settle Courts of Justice.

AN ACT to prevent willfull perjury.

AN ACT for the defraying of the publick and necessary charge of each respective Citty, Towne and County throughout this province and for maintaining the Poor and preventing vagabonds.

AN ACT for rewarding of those who destroy Wolves.

AN ACT to prevent damages done by Swine.

November 2, 1683.

AN ACT for the due Regulacõn and proceedings on Execucõn, returnes of writts and Confirmeing the ffees usually taken by officers &c

AN ACT of Settlement.

AN ACT for a free and voluntary present to the Governour.

November 3, 1683.

AN ACT to prevent frauds in conveyanceing of Lands.

Triennial Assembl'es enacted. After a session of nearly three weeks, the Legislature adjourned, having enacted, among other things —

THAT according to the vsage, Custome and Practice of the Realme of *England*, a Sessions of a *General Assembly* be held in this Province *once in three Years* att least.

1684. October. 2d meeting of the Legislature. The Second meeting of the Legislature commenced in October, 1684. Mr. NICOLLS was continued Speaker; Mr. Robert Hammond was appointed Clerk, of the Assembly. The Governor assented to thirty-one Acts, of which the following are the Titles, with the date of the Governor's assent.

Acts passed. TITLES OF ACTS passed at the *Second Session* of the *First Assembly* of the Colony of *New York:*

October 21, 1684.

A BILL for Explaining Severall clauses in the Act for Establishing Courts of Justice within this province.

1684.
First Assembly.
Second Session.

October 22, 1684.

A Bill to regulate proceedings in Law.
A Bill declareing of what age Lands may be passed and Guardians chosen.
A Bill against comōn Barratry, Champerty and Maintenance.
A Bill concerning Chirurgeons and Midwives.
A Bill concerning the choice of Constables.

October 23, 1684.

A Bill to prevent Deceipt and ffforgerye.
A Bill against fugitive servants and the Enterteiners of them.
A Bill concerning purchaseing of Lands from the Indians.
A Bill concerning Marriages.
A Bill concerning Cattle Corne ffeilds and ffences.
A Bill concerning burialls.
A Bill concerning Assignments of Specialtyes.
A Bill concerning Brewers.

October 24, 1684.

A Bill concerning Orphans.
An Act for quieting mens Estates and the limitacōn of certaine accōns for avoiding of Suits in Law.
A Bill to prevent the absence of Justices of the peace from their courts.
A Bill concerning Masters, Servants, Slaves, Labourers and Apprentices.
A Bill concerning Arrests.
A Bill for the settlement of the Militia.

October 27, 1684.

An Act to p'vent arrests of Judgm^ts and Superseeding Execucōns.
A Bill for Executeing the Judgments of the former Courts of Assizes and Sessions.
A Bill for Cording of ffirewood.
A Bill for the more speedy and better collecting the Governours ffee and Voluntary present.
An Act for the Encouragement of trade and navigation within this province.

October 28, 1684.

A Bill to prevent damages done by casting Ballast into Rivers.
A Bill for an Annuall Sallary to the Judges of this province.

October 29, 1684.

A Bill for altering the time of the Court of Sessions in ye County of West Chester
A Bill concerning former Mortgages.
An Explanation of the continued Bill for defraying the Requisite Charge of the Governm^t.
An Act for the confirmeing all Judgements and proceedings in the former Courts, takeing away the Generall Court of Assize.

1685
13 May.

Vacancies having occurred in the Assembly before the meeting of the Legislature again, writs were issued for the election of Representatives; one for the city of New York, one for Staten Island, one for Kings County and one for West Chester. But news of the King's death was in the meantime received and the question was raised, Whether the Assembly was not dissolved in consequence of the demise of the Crown. To prevent the inconveniences that might hereafter follow that dispute, it was the opinion of the Council that it was expedient to *dissolve* the present Assembly by Proclamation, and that immediately writts be issued out for a New Assembly to meet on the first Monday in October.

Assembly dissolved.

The following Proclamation was issued accordingly:

1685.

13 August.

Proclamation dissolving the Assembly.

By the Governor

Whereas for the Generall good of this Province I called the Generall Assembly thereof to meet on the 17th day of *October* in the 35th yeare of King Charles the Second of ever Blessed memory, and from thence by severall adjournments thereof continued untill the 29th day of *September* now next ensueing, for severall Important reasons, me thereunto moveing, I have thought fitt by & with the advice and consent of the Council to *Dessolue* the said Generall Assembly Whereof I have thought good to giue notice to all the members thereof and to all others whom it may concerne, that they need not give their attendance at the time appointed according to the adjournment aforesaid.

Gven under my hand at Fort James this 13th day of *Augt.* 1685, and in the first yeare of his Majestys Reigne

THO DONGAN.

N. Y. Col. MSS., XXXIII, 152.

To the Sherriff of the County of
Cornwall or other magistrates
& Officers to be fortwith Published
the same to be sent to ye severall
Sheriffs of this Governt

The following is the form of the Writ of Election addressed to the respective Sheriffs:

17 August.

James the *Second* by the Grace of God King of *England*, *Scotland*, *France* & *Ireland* Defender of the faith &c Supreme Lord and Proprietor of the Colony and Province of *New Yorke* and its dependencys in *America*

Writ for a new election.

To *Mathew Mayhew* Esqr Sheriff of *Dukes County* Greeting.

Wee Require Cõmand and strictly Enjoyne you that forthwith you cause all the Freeholders of your County to meett together in some convenient Place then to chuse one person to be theire Representatiue for Dukes County in a Generall Assembly to be holden at the Citty of *New Yorke* on the *twentieth* day of *October* next ensueing the date hereof in order to consult with our Gouernor and Council of *New Yorke* and its dependencyes what Lawes are fitt and necessary to be made and established for the good weale and Gouernment of the said Colony; and you are in 5 weekes after the Election to haue the name of the Person so Elected Returned into the Secretaryes Office

In testamony whereof I haue caused the seale of the Province to be hereunto afixed this 17th day of *Augst* 1685

Test THO DONGAN.

Passed the office
John Spragge, Secry

Writs were addressed at the same time to the sheriffs of New York, Kings County, Queens County and Suffolk; and on the second of September to the Counties of Albany and Ulster.

The Council now consisted of

Names of the members of the Council.

The Governor,
Anthony Brockholls,
Frederick Flypsen,
Stephen Van Cortland,
John Spragg,
John Youngs,
Judge Palmer,
Gervase Baxter.

The Assembly elected WILLIAM PINHORNE of New York Speaker, and Robert Hammond continued Clerk. Only six acts, of which the following are the Titles, were assented to at this, the only, Session of the New York Assembly during the Reign of James the Second. 1685. Second Assembly. First Session.

TITLES of ACTS passed at the *First Session* of the *Second Assembly* of the Colony of *New York:*

November 3, 1685.

A BILL against Sabbath Breaking — Acts passed.
A BILL against Swearing and Curseing
A BILL against Drunkness
A BILL for regulating the proceedings of monthly courts throughout the province
A BILL for the removal of the Courts of Sessions from Gravesend to Flatbush
A BILL concerning Swine

TITLES OF BILLS *which passed the* Assembly, *but did not receive the assent of the* Governor. — Bills which failed.

A BILL for regulating the Court of Commissaries at Albany. — 27 October.
AN ACT for the better asserting collecting and levying his Majesties Quit Rents within this province. — 2 November.
A BILL for the Encouragement of the Shopekeepers and Retailers of Merchandizes within this province. — 9 November.

TITLE OF A BILL *which passed the* Council, *was signed by the* GOVERNOR, *but failed in the* Assembly.

A BILL for making one positive evidence sufficient in the case of his Majesties Revenue.[1] — 29 October.

At the close of this Session, the Legislature adjourned to the 25th September, 1686, but before the day of meeting arrived, it was further prorogued by the following Proclamation:

By the GOVERNOR in Council.

WHEREAS the Generall Assembly of this Province hath been adjourned untill fiue and twentyeth day *Sember* next, for weighty and Important Reasons mee thereunto moueing haue thought fitt by and with the advice and counceent of the Councill to Prorogue the sd Generall Assembly untill the fiue and twentyeth day of *March* next ensueing the date hereof Whereof I thought good to giue notice to all the members thereof and to all others whom it may concerne that they need not giue theire attendance at the time appointed according to the adjournment aforesaid — Assembly prorogued.

Giuen under my hand at fortt James in *New Yorke* the 4th day of *September* 1686 and in the second yeare of his Majestyes Reigne

THO. DONGAN

Passed the Office *J Spragge* Secr

To the Sherriff of the County of
or other magistrates
and officers to be forthwith
Published

Ditto sent to Albany
Ditto sent to Esopvs
Ditto sent to Kings County
Ditto sent to Queens County
Ditto sent to Richmond

[1] These Acts and Bills are on file in the office of the Secretary of State, Albany.

Duke of York opposed to an elective Assembly.

The Duke of York never willingly consented to the concession of a Representative Assembly. A witness of some of the sufferings of his father and a sharer in the exile of his brother, which he might have laid in some degree at the door of the House of Commons, he shrunk from allowing the introduction of a like institution into his Province.

1675. 6 April.

Writing to Governor Andros "touching Generall Assemblys which ye People there seeme desirous of in imitacōn of their neighbour colonies, (he says) I think you have done well to discourage any mocōn of y^t kind, both as being not at all comprehended in yor instructions nor indeed consistent wth ye forme of governmen^t already established, nor necessary for ye ease or redresse of any grievance y^t may happen, since y^t may be easily obtained by any peticōn or other addresse to you at their Generall Assizes (wch is once a yeare) where the same persons (as Justices) are usually present, who in all probability would be their Representatives if another constitucōn were allowed."

1676. 28 January.

"Such assemblyes I cannot but suspect would be of dangerous consequence, nothing being more knowne then the aptness of such bodyes to assume to themselves many priviledges wch prove destructive to, or very often disturbe, the peace of ye governm^t, wherein they are allowed. Neither do I see any use of them &c."

N. Y. Col. Doc., III, 230, 235.

But when the Supplies were stopped; when no revenue was paid in New York, and the prospect was that the Province would be a charge on his private purse, it became necessary to "feign a virtue though he had it not." "The Duchesse, (writes a cotemporay,) do now come like Queene Elizabeth and sits with the Duke of York's Council, and sees what they do; and she crosses out this man's wages and prices, as she sees fit, for saving money; but yet, she reserves £5,000 a year for her own spending; and my Lady Peterborough, by and by, tells me that the Duchesse do lay up, mightily, jewells."

Pepy's Diary.

Why an Assembly was conceded,

Now £5000 a year, her Grace's pin money, happened to be about the amount received from the New York Customs. With such a drain already existing, the danger of a further encroachment on his English resources may well explain his willingness at length to concede an Assembly to the Province, especially when coupled with the condition that

and on what condition.

"New York and its dependencyes shall provide some certaine fonds for ye necessary support of ye government and garrison and for discharging ye arreares which are or shall be incurred since ye obstruccōns which have lately beene to the collection of ye publique revenue there." But when by the death of Charles II, the property of the Province devolved wholly upon the Crown, such personal considerations no longer were a bar to his return to his first principle. Accordingly, the year after he came to the throne by the title of James II, he abolished the Assembly, and by a new commission gave the Governor "full power and authority, with the advice and consent of the council, or major part of them, to make, constitute and ordain Laws, Statutes and ordinances for the Publick peace, welfare and good government of the Province and of the people and inhabitants thereof;" such laws to be transmitted to England within three months after their enactment for the Royal approbation, and to be null and void if "at any time disallowed and not approved."

1686. 10 June.

Assembly abolished. Provisions of the New Constitution.

N. Y. Col. Doc., III, 370, 378.

This commission was received in New York on the 14th of September, 1686, and in the beginning of the following year, a Proclamation was issued dissolving the Assembly. 1687.

By the GOVERNOUR in Council.

WHEREAS the General Assembly of this province hath been prorogued untill the five & twentyth day of *March* next, for weighty and important reasons me thereunto moving I have thought by and with the advice and consent of the Council to DISSOLVE the s^d Generall Assembly & it is hereby DISSOLVED, whereof I thought good to give notice to all the members thereof & to all others whom it may concerne that they need not give their attendance att the time appointed according to the prorogacōn aforesaid Assembly dissolved.

Given under my hand and the Seale of the said province att ffortt James in New Yorke the 20th day of January 1686. And in the second yeare of his Majties Reigne.

By his Excyēs Comand THO DONGAN.

J S. Swinton

This to be forthwith published by the Sherriff of y^e Citty & County of Albany

(Endorsed)

This Proclamation was published in the Citty of Albany y^e 3: ffeb^r and at Skenectodey the 4th ditto 168$\frac{6}{7}$

By Me RICH PRETTY Sheriffe.

The population of the province of New York at this period may have amounted to 18 or 20,000 souls. The Council in whom the legislative power was vested, numbered five persons. Population of the province of New York. Number of the Council.

The following are all the Legislative proceedings of the Governor and Council that I find recorded:

Att a Councill held att ffort James December the ninth 1686 Journal of the Legislative Council.

PRESENT. — HIS EXCELLY Major BROCKHOLLS
M FFLYPSEN Mr COURTLANDT
Mr SPRAGG Major BAXTER

His Excellys Instrucōns being read and considered it is

Ordered, that all the branches of the revenue & all other laws that have been made since the yeare 1683 except such as his Ma^tio has repealed remaine & continue as they now are till further consideracōn Laws since 1683 continued.

Judge Palmer & the Attourny Gen^ll are of the opinion that his Excēllys commission is sufficient for him & the Councill to make the Law against pirates & privateers,

Ordered, that the Atto^rney Gen^ll prepare such An Act according to the President sent from England and bring the same in to bee passed against Thursday next Bill against pirates ordered.

At a Council held the 14th *ffebry* 1686

PRESENT — HIS EXCELLENCY, Major BROCKHOLLS
Major FFLYPSEN Major CORTLANDT
Mr SPRAGGE Maj^r BAXTER

Ordered Mr Graham draw up a Bill for the continuance of the Revenue, wherein provision may bee made that one witnesse bee sufficient proofe[1]

[1] It will be observed that this is a similar Bill to that rejected by the Assembly in 1685. See p. xv.

1687.

At a Council held ye 22th ffebry 1686

PRESENT — HIS EXCELLENCY &c

Appropriation bill passed.

Bill for ye defrayeing ye necessary charge of the Government, read the first tyme, and some amendments ordered to bee made therein, and ye same to bee passed by Judge Palm^r

Bill against Privateers read ye 2^d tyme

At a Council held 23^d *ffeb^ry* 1686

PRESENT — HIS EXCELLENCY &c

Revenue act read 2d time.

Act about the Revenue read the second tyme.

Att a Councill hed ye 24th ffebry 1686

PRET. — HIS EXCY &c

Revenue act passed.

Act about the Revennue read the third tyme — passed

Privateers act passed.

Act about privateers — passed

Att a Councill ye 10th March 1686

PRNT. — HIS EXCYE
Maj^r FFLIPSEN
Judge PALM^r
Maj^r BROCKHOLLS
Maj^r COURTLAND
NICHAS BAYARD

Fee Bill ordered to be prepared.

Ordered, Judge Palm^r, Mr Bayard, Maj^r Cortlandt, Mr Graham & Captn Nicholls prepare a Bill for the settleing the fees of all the Courts & officers within this Gov^t

Att a Councill 16th *March* 1686

PNT. — HIS EXCY
Maj^r FFLIPSEN
Judge PALM^r
Maj^r BROCKHOLLS
Maj^r CORTLANDT

Bill to prevent frauds read 1st time.

Bill read to prevent frauds

At a Councill held March 17th 1686

Passed.

Bill to prevent frauds read. Passed

Att a Councill March 31st 1687

PRESENT — HIS EXCELLENCY
Major FLIPSEN
Coll^o BAYARD
Major BROCKHOLLS
Major COURTLANDT
Judge PALMER

Settlement Bill.

Ordered a Bill be drawn up for Settlements

Assesement Bill.

Ordered a Bill be drawn up for Assessments

1687.

At a Council held Aprill 9th 1687

PRESENT — HIS EXCELLENCY Major BROCKHOLLS
Majr FLIPSEN Majr CORTLAND
Collo BAYARD Judge PALMER

Ordered An Act to bee drawn up against Imbracery &c — Bill against Imbracery.

At a Councill held 31st *May* 1687

PRESENT — HIS EXCELLENCY
Majr CORTLAND Major BROCKHOLLS
Judge PALMER Collo BAYARD

Ordered a Bill bee drawn up for the raiseing of ½d pr pound of every mans estate for the defraying ye expences for the good of the province in England. — Bill to raise one half penny in the pound ordered to be prepared.

Att a Council June 9th 1687

PNT. — HIS EXCYE BROCKHOLLS & OM

Act about settlemt, read the first tyme— — Settlement act read
Ordered to be amended — and amended.

Att a Council, June ye 13th 1687

PNT. — His EXCYE BAYARD &c except BROCKHOLLS

Bill for ye raizeing ½d ℔ pound, read ye first tyme. — Bill for raising ½d in the £ read 1st time.
Bill concerneing Excise of Rumm read the first tyme — Excise Bill read 1st time.
Bill about Mortgages read ye first tyme — Mortgage Bill read 1st time.
Ordered, the Attorney Genl draw a Bill enacteing all bills, bonds, reccords deeds, writeings &c bee in English &c. — Bill providing that all legal instruments &c., shall be in English.

Att a Councill June 14th 1687

PNT. — HIS EXCY

Bill ½d ℔ £b — ½d in the £ act,
Act of Settlemt — Settlement act,
Act abot Mortages — Mortgage act,
Bill for pleadings &c in Engl — Act establishing the English language,
Act abt ye Excise of rumm passed — Excise act passed.

At a Councill held at ffort James Thursday ye 18th *of August* 1687

PRESENT — HIS EXCELCY the GOVERNR Major ANTHONY BROCKHOLS
Major FFREDRYCK FFLYPSEN Major STEPHANUS V CORTLAND
Coll NICHOLAS BAYARD Judge JOHN PALMER Esqrs

Petition of Daniel Duchemin and othr ffrenchmen praying to be naturalized, Read — Naturalizing Duchemin et al.

Ordered, yt it be referred and that the Attorny General Draw a Bill ffor Naturalizeing the Petitioners

1687.

At a Councill held at ffort James ffriday ye 19th of August 1687

PRESENT — HIS EXCELCY The GOVERN^r Major ANTHONY BROCKHOLS
Major FFREDRYCK FFLYPSEN Major STEPHANUS V CORTLAND
Coll NICHOLAS BAYARD Judge JOHN PALMER

The Council give their opinions about raiseing Mony to Defray ye Expence about ye Indyans & ye ffrench

One penny in the pound,

Resolved, that a penny in ye pound besides the former Tax of a halfe penny in ye pound be raised out of ye Estates of the ffrehold^rs & Inhabitants of Kings County, Queens County, Dukes County, Dutcheses County, Countys of Richmond, Orange, Suffolk and Westchester, and one halfe penny in ye pound out of ye Estates of ye Inhabitants & ffreehold^rs of ye Cittys & Countys of New York and Albany & County of Ulster and the mony be brought in to ye Kings Collector at ye Custome house on or before ye first day of May next

and one halfpenny in the pound

ordered raised.

Bills introduced accordingly.

Ordered, that two Bills be Drawn up for the same accordingly

At a Councill held at fforte James Saturday August ye 20th 1687

PRESENT — HIS EXCELCY the GOV^rN^r Major FFREDRYCK FFLYPSEN
Major ANTHONY BROCKHOLLS Major STEPHANUS VAN CORTLAND
Coll NICHOLAS BAYARD Captn JOHN PALMER

Bill to raise 1*d* in £ read

The Bill ffor Raiseing a penny in ye pound out of ye Estates of ye ffreehold^rs & Inhabitants of ye Kings, Queens, Dukes & Dutcheses Countys the Countys of Richmond, Orange, Westchester & Suffolk Read and approved

and passed.

Passed and Signed by ye Gov^rn^r & Councill

At a Councill held at ffort James ffryday ye 2^d of September 1687

PRESENT — HIS EXCELCY The GOVERN^r Major ANTHONY BROCKHOLS
Major FFREDRYCK FFLYPSEN, Major STEPHANUS VAN CORTLANDT
Coll NICHOLAS BAYARD Judge JOHN PALMER

Bill to raise one halfpenny in the pound passed.

Bill to Raise one halfe penny per pound off all persons Estates in the Cittys and Countys of New York and in ye County of Ulster read, approved and Passed

Excise collection Act passed.

Act for regulating ye Collection of His Majesties Excize up Hudsons Read approved and passed.

At a Council Held at ffort James Monday the 22th of September 1687

PRESENT — HIS EXCELCY the GOVERN^r Major ANTHONY BROCKHOLS
Major FFREDRYCK FFLYPSEN Coll NICHOLAS BAYARD

Bill naturalizing Duchemin et al., passed.

Bill for Naturalizeing Daniel Duchemin and other ffrench persons Read Approved and Passed

At a Council held at ffort James Saturday ye 8th of October, 1687

PRESENT — HIS EXCELCY the GOVERN^r
Major FFREDRYCK FFLYPSEN Major ANTHONY BROCKHOLS
Coll NICHOLAS BAYARD Major STEPHANUS VAN CORTLAND

Bill against frauds in the excise to be engrossed.

Bill to prevent abuses and ffrauds in his Majties Excize read and *Ordered* to be engrossed

1687.

At a Councill Held at ffort James Tuesday ye 11th day of October, 1687

PRESENT — HIS EXCY the GOVERN^r Major ANTHONY BROCKHOLLS
Major STEPHANUS VAN CORTLAND Major FFREDRYCK FFLYPSEN
Coll NICHOLAS BAYARD Mr JAMES GRAHAM

Bill to prevent ffrauds and abuses in his Majties Excice by Ordinary Keepers Read, approved and passed. Passed.

At a Councill Held at ffort James Tuesday ye 25th October, 1687

PRESENT — HIS EXCY the GOVERNOUR Major ANTHONY BROCKHOLLS
Major STEPHANUS VAN CORTLAND Major FFREDRYCK FFLYPSEN
Coll NICHOLAS BAYARD Mr JAMES GRAHAM

Petition of the Mayor Recorder and Aldermen of Albany that a Tax of one shilling and six pence per Anchor for all Rumm and Distilled Liquors there sold formerly imposed uppon the sd Liquors by consent of this Board and is now Expireing may be continued for three yeares, read Tax on Rum continued.

Ordered, that ye said tax or Duty be continued for one whole year next Ensueing.

At a Councill Held at ffort James ffryday ye 30th March, 1688 1688.

PRESENT — HIS EXCELCY the GOVERN^r Major ANTHONY BROCKHOLS
Major JARVIS BAXTER Major STEPHANUS VAN CORTLAND
Major FFREDRICK FFLYPSEN Coll NICHOLAS BAYARD

Ordered, that ye Attorny Gen^rall Draw An Act for all Negroes and oth^r servants within ye Goverment to be instructed and bread in ye Christian ffaith with a clause y^t ye property of ye owners of such serv^ts be no wise altered thereby Bill for the instruction of negro and other slaves ordered to be prepared.

At a Councill Held at ffort James Monday ye third day of May, 1688

PRESENT — HIS EXCELCY the GOVERN^r Major ANTHONY BROCKHOLLS
Major JARVIS BAXTER Major STEPHANUS VAN CORTLAND
Major FFREDRICK FFLYPSEN Mr JAMES GRAHAM

Resolved uppon Debate had thereof that the taxes lately made will not Raise mony sufficient to bear ye p^rsent necessary charge of the Gov^rm^t and that a new Levy of £2556 : s4 be made to be Paid by all ye Inhabitants and ffreeholders in ye Province in mony to his Majesties Collector at ye Custome house in New York before ye first day of November next in manner ffollowing, viz A new tax ordered.

	£	s	
The Citty & County of New York to pay	434 :	10 :	00
County of West Chester	185 :	15 :	00
Citty and County of Albany	240 :	00 :	00
County of Richmond	185 :	15 :	00
County of Ulster	408 :	00 :	00
Kings County	308 :	08 :	00
Queens County	308 :	08 :	00
County of Suffolk	434 :	10 :	00
Dukes County	040 :	00 :	00
County of Orange	010 :	00 :	00

Ratio thereof.

Ordred, that ye Attorny Gen^rall Draw upp An Act for ye tax accordingly Bill therefor ordered introduced.

1688.

At a Councill Held at ffort James Thursday ye Seaventeenth day of May, 1688

PRESENT. — HIS EXCELLCY the GOVERN^r
Major JARVIS BAXTER — Major ANTHONY BROCKHOLS
Major STEPHANUS VAN CORTLAND — Major FFREDRYCK FFLYPSEN
Mr JAMES GRAHAM — Coll NICHOLAS BAYARD

The £2,555 act passed.

An Act for raiseing the sume of two thousand five hundred and ffifty five pounds six shillings by or before the first day of November next read three times and approved and passed.

Bill for the instruction of slaves read.

An Act for ye Encouragement of masters and owners of Indyan Slaves and Negroes to educate them in ye Christian fayth, read &

To be engrossed.

Ordred to be Engrossed.

Act for continuing Judges' salaries passed.

An Act for ye continuance of ye Judges (Sallary) of the Court of Oyer and terminer read approved and passed

Bill to prohibit shoemakers from tanning read and to be engrossed.

An Act to prohibitt shewmakers ffrom using ye mistery of tanning Hides read & *Ordred* to be Engrossed.

1687.
7 April.
The country from Maine to Delaware one government.

Meanwhile a change in the Constitution and government of the Province had been resolved on in England. The entire country from the Delaware to the St. Croix, in Maine, was consolidated into one government, and placed under the rule of Sir EDMUND ANDROS, with the following *legislative* powers:

Legislative powers continued in the in the Governor and Council.

And Wee do hereby give and grant unto you full power and authority, by and with the advice and consent of our said Councill or the Major part of them, to make constitute and ordain lawes statutes and ordinances for the public peace welfare and good governm^t of our said territory & dominion and of the people and inhabitants thereof, and such others as shall resort thereto, and for the benefit of us, our heires and successors. Which said lawes statutes and ordinances are to be, as near as conveniently may be, agreeable to the lawes & statutes of this our kingdom of England: Provided that all such lawes statutes and ordinances of what nature or duration soever, be within three months, or sooner, after the making of the same, transmitted unto Us, under our Seal of New England, for our allowance or disapprobation of them, as also duplicates thereof by the next conveyance.

And Wee do by these presents give and grant unto you full power and authority by and with the advice and consent of our said Councill, or the major part of them, to impose assess and raise and levy such rates and taxes as you shall find necessary for the support of the government within our territory and dominion of New England, to be collected and levyed and to be imployed to the uses aforesaid in such manner as to you & our said Councill or the major part of them shall seem most equall and reasonable.

And for the better supporting the charge of the governm^t of our said Territory and Dominion, our will and pleasure is, and wee do be these presents authorize and impower you the s^d Sr Edmund Andros and our Councill, to continue such taxes and impositions as are now laid and imposed upon the Inhabitants thereof; and to levy and distribute or cause the same to be levyed and distributed to those ends in the best and most equall manner, until you shall by & with the advice and consent of our Councill agree on and settle such other taxes as shall be sufficient for the support of our government there, which are to be applied to that use and no other.

N. Y. Col. Doc., III, 538.

Official notice of this change was received at New York on the 28th July 1688, and two days after the Governor and Council

Ordered, that all further Proceedings to wards the Leuying the late Tax and Imposicon of two thousand fiue hundred fifty fiue Pounds & Six Shillings to be paid by the first day of Nouember next do cease & is hereby suspended till further order, and that the Sheriffs of the Respectiue Countyes haue Notice Giuen them Accordingly

1688. The £2,555 Act suspended.

At a Councill Held at ffort James August 2[d] 1688

PRESENT — Major BROCKHOLLS
Major PHILLIPS
Coll BAYARD
Major BAXTER
Major CORTLANDT

Act about tanning of hides being three times read in council was assented unto and passed.

Tanning Act passed.

This is the last legislative Act passed during the administration of Governor Dongan.[1]

[1] THOMAS DONGAN was a descendant of an ancient Irish Catholic family, being a younger son of Sir John Dongan, Baronet, of Castletown in the county of Kildare, and nephew of Richard Talbot, afterwards Earl of Tyrconnel. He was born in 1634, trained to the profession of arms, and served under Louis XIV, having been Colonel of an Irish regiment in the French service. In 1677–8, an order was issued for the return to England of all English subjects serving under the French crown, and Colonel Dongan informs us that he was obliged to quit "that honorable and advantageous post, and resisted the temptation of greater preferment then offered him, if he would continue there; for which reason the French King commanded him to leave France in forty-eight hours and refused to pay him a debt of 65,000 *livres* then due to him, for recruits and arrears upon an account stated with the Intendant of Nancy."

On his return, he was appointed by Charles II., a general officer in the English army then designed for Flanders, and had an annual pension of £500 settled on him for life in consideration of his losses in France. It is obvious, however, that he did not act under that appointment, inasmuch as in the same year he was made Lieutenant-Governor of Tangier, in which post he continued until 1680.

In September, 1682, he was appointed Governor of New York, and filled that office with admitted reputation until 1688. Smith says of him, "He was a man of integrity, moderation and genteel manners, and though a professed papist, may be classed among the best of our governours." On being superseded by Sir Edmund Andros, he was offered the commission of Major-General and a regiment in the service of James II., all which he refused. He remained in America until 1691, when he returned to England.

In 1685, during the residence of Governor Dongan in New York, his brother, William, who had been created, in 1661, Baron Dongan and Viscount Claine in the Irish Peerage, was advanced to the earldom of Limerick, with remainder, failing direct issue, to Colonel Thomas Dongan. But the Earl having adhered to James II. and having followed that monarch to France, his estates became forfeit, and were granted to the Earl of Athlone, one of the followers of William III. This grant was confirmed by an Act of the Irish Parliament, with a clause, however, saving the right of Colonel Dongan, who, on his return home, made every exertion to recover some portion of those estates. This nobleman died at St. Germain in 1698, whereupon Colonel Dongan was introduced at Kensington to William III., whose hand he kissed on occasion of succeeding to the earldom of Limerick. He was allowed, about the same time, £2,500 in tallies, being part payment of advances made by him for public purposes, whilst Governor of New York. All this time he did not intermit his efforts to recover his deceased brother's estates, and he so far succeeded as to have an Act of Parliament passed for his relief, 25th May, 1702. But, although he offered to serve again in the Plantations, it does not appear that he was employed under the crown during the remainder of his life, which terminated in London on the 14th day of December, 1715. His remains were interred in St. Pancras Church yard, Middlesex. The following is a copy of the inscription on his tombstone:

The Right Hon[ble] THOMAS DONGAN
Earl of LYMERICK,
Died December 14th Aged Eighty-one years. 1715.
Requiescat in Pace. Amen.

This nobleman died without issue. His estates in America were settled chiefly on three nephews, John, Thomas and Walter Dongan. Lieutenant-Colonel Edward Vaughan Dongan, of the 3d Battalion of New Jersey Volunteers, who died of wounds received in an attack on the British posts on Staten Island, in August, 1777, was son of the last mentioned gentleman. John Charlton Dongan, another collateral descendant of the Earl of Limerick, represented Richmond county in the New York Assembly from 1786 to 1789. Representatives of this ancient family are still to be found in New York.

The above particulars are borrowed from the manuscript Introduction to *The Laws of New York from* 1664–1691, about to be published by GEORGE H. MOORE, Esq.

1688. New York annexed to New England.

On the 11th of August, the Province of New York was annexed to New England, and the £2,555 Act was revived by the following order in Council:

Att a Councill held att New Yorke on Wednesday the nyne & twentyth day of August, 1688.

PRESENT — His Excellency Sr EDMUND ANDROS Kn^t

JOSEPH DUDLEY,	Esq^rs.	JOHN VSHER,	Esq^rs.
ROB^T MASON,		EDWARD RANDOLPH,	
ANTHO. BROCKHOLLS,		JOHN WALLEY,	
WALTER CLARKE,		WALTER NEWBERRY,	
JOHN WINTHROP,		JOHN YOUNG,	
FRED. PHILLIPS,		NICHOLAS BAYARD,	
JARVIS BAXTER,		RICHARD SMITH,	
STEPHEN CORTLANDT,		JOHN ALLEN,	

The £2,555 Act revived and ordered to be executed.

WHEREAS the Execucõn of an Act made the seaventh day of May last past by his Excelleney Thomas Dongan, late Cap^n Generall and Gouvernour in Chiefe of his Maties Province of New Yorke in America, intituled, an Act for raising ye sūme two thousand five hundred fifty five pounds six shillings, by or before ye first day of November in the yeare of our Lord one thousand six hundred eighty and eight, hath been and is, by order of his said Excell^y in Councill, dated the thirtyth day of July last past, for ye reason therein mencõned, suspended till further order, which being taken into consideracõn, itt is ordered, that ye said act be fully and duly executed according to the tenor and true intent and meaning thereof, and ye money therein mencõned duely leaved, raised, collected and paid, as therein is directed, of which all Justices of ye peace & other officers & persons concerned are to take notice & conforme themselves accordingly.

Trumbull's Connecticut Records, III., 447.

1689. 3 June. Revolution in New York.

This arbitrary and despotic form of government continued until the 3d of June of the following year, when it was put down by Captain JACOB LEISLER, who seized the fort, whereupon lieutenant-governor Nicholson fled the province.

1690. An Assembly called.

Early in the next year, writs were issued, under Leisler's authority, to the sheriffs of the several counties for an election of members of Assembly. All, except Suffolk, chose Representatives vizt.

Names of the members.

New York,	JOHN SPRATT CORNELIUS PLUVIER ROBERT WALTERS WILLIAM BEEKMAN[1]
Westchester county,	THOMAS BROWNE
Kings county,	
Queens county,	NATHANIEL PEARSON[2]
Suffolk county,	None
Ulster county,	
Albany,	JAN JANSE BLEEKER
Schenectady,	RYER SCHERMERHORN

[1] Did not attend. [2] Refused to sit.

This Assembly met in April and passed the following Bill: 1690. First session.

April 1690.

An Act to raise throughout the government three pence in every pound real and personal, to be paid the first of June.[1] Act to raise 3*d* in the £.

It then adjourned to the 1st of September; but "His Majesty's special servis preventing ye s^d session," the legislature was convoked for the 15th of the same month, when it met, John Spratt being speaker, and passed the following laws: Second session.

2*d October* 1690

An Act for raising three pence in the pound of all Real and Personal visible Estate of all and singular the inhabitants of this Province to be levied in January and March next Act to raise 3*d* in the £.

4*th October*, 1690.

A Bill for Amercing and fining all persons within this Province of New York refusing to serve in Comission of Civill or Military Power within s^d Province under his Maj^ties Liev^t Govern^or of the Province aforesaid & that none Inhabitants of y^e of ye City & County of Albany & Ulster Leave or Depart the City or Countys aforesaid without spetiall Lycense of the said Authority or Carry of or transport from said Places any Wares or Merchandises — except such hereafter exprest. Act to oblige persons to serve in civil or military office, and to prevent persons leaving certain places without leave.

A Bill passed the Assembly also at this session, entitled,

An Act for Confirming to the Inhabitants of this Province the full priviledge and benefitts of his Maj^ties Laws within this Province. Act to confirm to the Public the benefit of H. M. laws.

But it does not appear to have passed the Council; at least it wants the signature of the Lieutenant Governor.

Meanwhile Colonel Henry Sloughter was commissioned governor of the Province, who landed in New York on the 19th March, 1691, and published his commission, whereby the right of the people to a Representative Assembly was again formally acknowledged in these words: Henry Sloughter, governor.

And we do hereby give @ grant unto you full power and authority with the advice @ consent of our said Councill from time to time as need shall require, to summon & call generall Assemblies of the Inhabitants being Freeholders within your Government, according to the usage of our other Plantations in America. Extract from his commission. To call an Assembly;

And our will and Pleasure is, that the persons thereupon duely elected by the Major part of the Freeholders of the respective Countys and places and so returned and having before their sitting taken the oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy and the Test, which you shall commissionate fit persons under our seal of New York to administer, and without taking which, none shall be capable of sitting though elected, shall be called and held the Gen^ral Assembly of that our Province and the Territories thereunto belonging Its Title,

And that you the said Henry Sloughter by @ with the consent of our said Councill and Assembly or the major part of them, respectively have full power and authority to make constitute and ordaine Laws Statutes @ ordinances for ye publique Peace, welfare and good Government of our said Province and of the people @ Inhabitants thereof and such others as shall resort thereto & for the benefit of us our Heirs & Successors and powers.

Which said Laws Statutes & Ordinances are to be (as near as may be) agreeable unto the Lawes & Statutes of this our kingdome of England

[1] And that all townes and places should have equal freedom to boult and bake and to transport where they please directly to what place or country they think fitt, any thing their places afford, and that the one place should have no more privileges then any other. *N. Y. Coll. Doc.*, III, 717. I cannot say whether this formed a separate act or not. If it did, then two acts were passed in this Session.

1691.

Laws to be sent to England for approval.

Provided that all such Laws, Statutes & Ordinances of what nature or Duration soever be within three months or sooner after the making thereof, transmitted unto us under our seal of New York for our Approbation or Disallowance of the same, As also Duplicates thereof by the next conveyance

Can be vetoed at any time.

And in case any or all of them being not before confirmed by Us shall at any time be disallowed @ not approved, and so signified by Us our Heires & Successors, under our or their Sign Manual and Signet or by order of our or their privy-Council unto you the said Henry Sloughter or to the Commander in Chief of the said Province for ye time being, then such and so many of them as shall be soe disallowed and not approved shall from thenceforth cease determine @ become utterly voyd and of none effect, any thing to the contrary thereof notwithstanding.

And to the end nothing may be passed or done by our said Councill or assembly to the Prejudice of us, our Heires and Successors, We will @ ordaine that you the said Henry Sloughter, shall have @ enjoy a negative voice in the making and passing of all Laws, Statutes and ordinances as aforesaid

The Governor to have a negative,

and power to Adjourn or Dissolve the Assembly.

And that you shall and may likewise from time to time as you shall judge it necessary Adjourn Prorogue and Dissolve all General Assemblies as aforesaid

Legislature theoretically three branches; practically, two.

The Legislature thus constituted, consisted in theory of three Branches, viz.: Governor, Legislative Council and Assembly; but in fact, of only two, for the Governor presided at the sittings of the Council, voted whenever he pleased as a member of that body, and in case of a tie, gave the casting vote as presiding officer. Thus the executive possessed, with the final, formal assent to the Bill, two, and in some cases, three votes on every legislative measure. This state of things continued for nearly half a century without remark or complaint.

Executive encroachment;

1733.

At length Governor Cosby, then administering the government, having quarreled with Chief Justice Morris, James Alexander and other leading men of the Colony, a hot and bitter controversy was commenced in the New York Newspapers. The Governor to justify his suspension of some of these gentlemen from office, transmitted to the Board of Trade certain numbers of those newspapers "by which it is intimated that you (Gov. Cosby) have sometimes voted as a councillor in a legislative capacity." This appearing to the Lords of Trade "to be inconsistent with the tenour and intention of his majestys commission and instructions," they laid the Case before the law officers of the crown for their opinion.

attracts the attention of the Home government,

and laid before the law officers of the Crown.

Case.

The Government of His Maty^s Plantations in America consists of a Govr Council and Assembly — These three have the Power of making Laws vested in them and the Governor has a Negative upon every Act passed by the Council and Assembly

The Council sits in two capacitys viz as one part of the Legislature, and as a Council to advise & assist the Governor in all political cases

And the Governors are restrain'd by their Instructions not to act without the advice and consent of the Majority of them, in many cases

Query....Therefore, whether in any Case the Governor can sit and vote as a member of the Council

On the Death or absense of a Governor The President of the Council, if there be no Lieutenant Governor upon the Place, always acts as Governor, till a new Governor is appointed by His Majesty

Query....Is the said President then capable of acting and voting as a Councillor during the time he acts as Governor, and represents the King?

Sir John Willes, his Majesty's Attorney General and Dudley Ryder Esq., the Solicitor General, made answer: 1735.

Opinion of the Attorney and Solicitor General.

1st We are of opinion that it is inconsistent with the nature of this Governmt with the Governors commission & His Majesties Instructions That the Governors should in any case whatsoever sit and vote as a member of the Councill

2d The clause in the Governors Commission which gives the Power to the President of the Council to act as Governor in case of the Death or absence of the Governor is not laid before us but only referred to in the Instructions but we presume it gives him no greater power than is given to the Governor himself and if not we are of opinion that such President cannot act or vote as a Councillor during such time as He acts as Governor

J WILLES
D RYDER

January 15th 1735

The Governor excluded from the Legislative Council;

Thereupon a letter was addressed to the Governor notifying him that the Council sat in two capacities, viz' 1st as a council to advise his Excellency. In such case he was to sit and advise with them. 2dly as the *Third* part of the Legislature, and in that case he was neither to sit nor vote with them. For was he to do so, on any occasion where a law is the subject of their debate, and that the councillors were divided in opinion, the law would be either passed or rejected by his single vote. It would in fact be taking away the privilege of the council in vesting two of the three parts of the Legislature in one person, and consequently destroying the Constitution established for the Colony.

which sit, for the first time, apart,

Henceforward, the Council, when acting in a legislative capacity, no longer sat in Fort George, but in a room fitted up for the purpose, in the City Hall of New York in which building also the Assembly held its sessions. The Chief Justice was at first selected to be SPEAKER, but the business of the Supreme Court requiring his attendance, it was Resolved, That the eldest councillor present shall at all times hereafter preside as Speaker.

and elect their own Speaker.

This rule obtained whilst the Legislative Council continued in existence.

Regular minutes were kept of the Votes and Proceedings of this Body from 1691 to 1775, and deposited in the office of the Secretary of State, but they were never printed. Their preservation being a matter of great importance, for there was only one copy of them, I deemed it my duty to call the attention of the Joint Library Committee of the Legislature to the subject, whereupon the Honble the Senate, on motion of the Honble J. MCLEOD MURPHY, Chairman of the Committee, ordered these Journals to be printed.

STANDING RULES OR ORDERS OF COUNCIL.

Fryday the 15th *October* 1736

Resolved that any three of the members (whereof the Speaker to be one) may adjourn the Council

Power to any three, the Speaker being one, to adjourn.

Resolved that no less than five be a Council to do Buisyness

No less than five to do business.

Wednesday October 20th 1736

Resolved that the Eldest Counsillor present Shall att all times hereafter preside or officiate as Speaker

The eldest Councillor present to act as Speaker.

Wednesday October 27th 1736.

Ordered that the Minnitts of the Counsil be first perused by the Counsil before they be entered in the book for that purpose to be kept

Minnitts before they are entered to be first passed by the Council.

Tuesday the 9th *November* 1736

Ordered that all the Standing Rules or Orders of the Council be not only entered in the Minnitts of the day on which the same shall be made, but also in a distinct place by themselves for that purpose to be kept In order to the readier turning to and finding out any particular Standing Rule or Order as occasion may require.

All standing orders to be entered in a place by themselves.

Tuesday the 4th *October* 1737

Ordered that upon all private Bills for the future to be presented to this House, the party or partys for whose use or benefitt Such Bill or Bills is or Shall be intended, shall before the second reading thereof be ordered, make his or their application to the Counsil by petition Setting forth the reason or Motives for or on which they wo'd pray the Counsil to pass the Same, and that the person or persons who Shall apply for the obtaining of any Such private Bill or Bills be accquainted or served with a copy of this Order.

On all private bills the Council to be applied to by petition before the 2d reading.

Tuesday 13th *Decemb*r 1737

On naturalization bills, Speaker to have 14s for each person.

On the Bill for naturalizing Rhuel and others.

Ordered that the Speaker of the Counsil have ffourteen Shillings for each person mentioned in the above act of naturalization, and the like ffee on all naturalization Bills hereafter to be brought to the Counsil for their assent for each person in such bill or bills proposed to be naturalized.

Wednesday the 17th *Oct*r 1739

All raisnres and interlineations in bills brought from the Assembly to the Council, to be entered in the Minnitts. This made a standing order.

Ordered that all the Raisures and Interlineations that Shall appear in any Bills past the General Assembly and brought to the Counsil for their concurrence be particularly taken notice of and entered in the minnitts and

Ordered that this be among the Standing Orders of this Board

MISSING VOTES

OF THE

NEW YORK COLONIAL ASSEMBLY.

On comparing the printed Journals of Assembly with the Minutes of the Council, those of the Assembly are found deficient of the

Journal for the Session of 1683	1683.
Journal for the Session of 1684	1684.
Journal for the Session of 1685	1685.
Journal for the Session beginning April 20 and ending April 29 1692.	1692.
Journal from 26th October to November 9th 1692 and the names of the members elected.	
Journal from 4th April to 10th April 1693 inclusive.	1693.
Journal from 25th April 1699 to the end of the Session 16th May 1699 inclusive.	1699.
Journal from 25th July to the 29th October 1700	1700.
Journal from 30th June 1740 to the 12th July 1740 inclusive.	1740.
Journal from 11th June 1766 to the 3 July 1766 inclusive.	1766.
Journal from 10th November 1766 to the 19 Dec. 1766 inclusive.	
Journal from 27 May 1767 to the 6th June 1767 inclusive.	1767.
Journal of the 23 and 24 November 1767	

JOURNAL

OF THE

LEGISLATIVE COUNCIL,

OF THE

PROVINCE OF NEW YORK.

FIRST ASSEMBLY: 1ST SESSION.

At A Council held at ffort William Henry the 9th of April, 1691.

PRESENT— *His Excellency* THE GOVERNOUR,

JOS. DUDLEY,
FFRED PHILLIPS,
STEP. V. CORTLANDT,
NICH. BAYARD,
WILL. SMITH,
} Esqrs.

THO. WILLET,
GAB. MONVIELE,
CHIDLEY BROOKE,
WILL^m NICOLLS,
} Esqrs.

Ordered, A Commison to William Smith & Chidley Brooke Esqrs. to Administer the Oaths as ye his Excell^y Commison are directed to the Respective persons Elected Representatives for the Cityes, Townes & Countyes in this Province.

Vpon the returne of John Bowne and Nathaniel Pierseall two Representatives for Queens County who are not qualifyed to take such Oaths as are in the like cases provided,

Ordered, that a Warrant be directed to the Sheriffe of said County that he make choice of two other fit persons in their steade.

Ordered, that a Warrant be immediatly issued forth to the Sherriffe of Albany County to Elect a Burgesse for the Mannour of Ranslaerswyck to make his Attendance immediatly.

The Representatives appeared in their accustomed method and presented Mr. James Graham their Speaker who being approved off desired their former Rights and Priviledges, viz. that none of their members nor their servants be arrested nor molested during the Sessions; that they may have ffreedom of Accesse to his Excellency and Council when Occasion presents; That they may have liberty of speech and a favourable construction made upon all Debates that may arise amongst them, and for the removeall of all misunderstandings that a Committe of the Council may Joyne with a Committe of their house to Conferr on what matters may Occurr and this their Demands may be approved by his Excellency and Council and entered in their Council book; which are allowed and approved off accordingly.

At a Council held at ffort William Henry the 10*th of April*, 1691.

PRESENT— *His Excellency* THE GOVERNOUR,

JOS. DUDLEY, FFRED PHILLIPS, STEP. V. CORTLANDT, NICH. BAYARD, WILL. SMITH, } Esqrs.

CHIDLEY BROOKE, GAB. MONVIELE, WILL^m NICOLLS, THO. WILLETT, } Esqrs.

Ordered, that a writ be issued forth to the Sherriffe of Vlster and Dutchess County for the Imediate Electing of a Burgess for that County in the stead of Captaine Thomas Garton, upon the report of the Assembly that the said Garton is wanting.

Vpon the vote of the Assembly that the thanks of that house should be returned to his Excellency for the favourable speech made by him and the President by his direction and also for the effectuall and speedy care that his Excellency has taken for the suppressing the many disorders and disquiets that were in the Government on his arriveall here, the same was accordingly delivered by Willm Merritt, John Pell, Dirck Wessells, Henry Pierson, Ellis Duxbury, John Poling and Henry Beeckman ℔ order of that house.

Joseph Dudley and William Nicolls Esqrs are appointed a committee of this board to meet with such of the Members of the Representatives as are appointed by that house to draw the Address to their Matyes and to Confer of such other Orders as may be necessary to be resolved in this Sessions.

There is Offered to the consideration of the Assembly by His Excell^y

An Address to his Matye;

A Committe to Review and Report the Laws, Courts and Sallaryes of the Judges;

An Act for Ministers in Every Town and their maintainance;

An Act for the quieting of the late troubles and assurance of the People in general from any pursuit saving to every one his particular accōn;

The support of the Garrison at Albany;

The continuation of the Revenue with such Amendments and Additions as may be necessary;

In which particulars the house of Representatives is desired to proceed with such Expedicōn as may be, there being a necesity of the Governour's going to Albany in a short time and a recess of the Assembly unto a longer day.

At A Council held at ffort William Henry Aprill 13*th*, 1691.

PRESENT—

The Governour and Council doe agree to this Resolve and Order the Secy to send to the house of Representatives the Establishment as follows:

One Capt ℔ diem		8*s*	
Two Liev^ts		8	
ffour Sergeants		6	
ffour Corporalls		4	
Two Drumms		2	
One hundred fusileers	£3	6	8*d*
℔ diem is	£4	14*s*	8*d*
℔ Annum is	£1727	13*s*	1*d*

Incidents for Transportacōn, Armourer, Surgeon, &c.

At A Council held at ffort William Henry Aprill the 15*th*, 1691.

PRESENT— *His Excellency* THE GOVERNOUR,

JOS. DUDLEY,	Esqrs.	CHIDLEY BROOKE,	Esqrs.
FFRED. PHILLIPS,		GAB. MONVIELE,	
STEP. V. CORTLANDT,		WILL. NICOLLS,	
NICH. BAYARD,		THO. WILLETT,	
WILL. SMITH,		WILL^{m} PINHORNE,	

Ordered, That William Pinhorne Esqr doe cary & Deliver unto the house of Representatives a messuage in writing wherein his Excellency and Council recommend the Expediting a Bill for the Establishing Courts of Judicature throughout this Province, as also to take into consideration the Act of the late Assembly Intituled, An Act for the settlem^{t} of ye Courts of Justice as a forme found very agreeable to the Constitution of this governm^{t}.

Mr Pell and Mr Duxberry having attended his Excell and Council and moved that a Sergeant at arms may be appointed to attend service of their house,

Ordered, That Mr Benjamin Phipps Sergeant at arms doe attend that house accordingly.

At A Council held at ffort William Henry the 16*th of April*, 1691.

PRESENT— *His Excellency* THE GOVERNOUR,

FFRED. PHILLIPS,	Esqrs.	WILL. NICOLLS,	Esqrs.
NICH. BAYARD,		GAB. MONVIELE,	
STEP. V. CORTLANDT,		THO. WILLET,	
CHIDLEY BROOKE,		WILL. PINHORNE,	
WILL. SMITH,			

This morning Mr Whitehead and Mr. Howell from the house of Representatives attended his Excell^{y} in Council and desired that the Attorney Generall may attend their house to draw up such Bills as are necessary for their Majestyes service and the good of the government as formerly accustomed.

Ordered, that the Attorney General doe attend that house accordingly.

At A Council held at ffort William Henry 18*th Aprilis*, 1691.

PRESENT— *His Excellency* THE GOVERNOUR,

JOS. DUDLEY,	Esqrs.	WILL. SMITH,	Esqrs.
FFRED. PHILLIPS,		GAB. MONVIELE,	
NICH. BAYARD,		THO. WILLETT,	
STEP. V. CORTLANDT,		WILL. NICOLLS,	
CHID. BROOKE,		WILL. PINHORNE,	

Gabriel Monviele Esqr and Thomas Willett Esqr are appointed to attend the house of Representatives and acquaint them of the many good services done to this Province by Capt William Kidd in his attendence here with his vessell during his Excellencyes absence and that it would be very acceptable to His Excellency and this board that they consider of some suitable reward to him for his services.

This day the whole house attended his Excellency in Council and the Speaker made their Address in these words following:

May it Please yor Excellency

We their Matyes most dutiful and Loyall Subjects Convened by their Matyes most gracious favour in Generall Assembly in this Province doe in all most humble manner heartily Congratulate yor Excellencyes arrivall in this Government and withall presume to acquaint yor Excellency that as in our hearts we doe abhorr and detest all the Rebellious arbitrary and illegall proceedings of the late Usurpers of their Matyes Authority over this province, So we doe from the bottom of our hearts with all integrity acknowledge and declare that there are none that can or ought to have Right to Rule and Govern their Matyes Subjects here but by their Matyes authority which is now placed in yor Excellency. And therefore we doe solemnly

Declare That we will with our lives and ffortunes support and mantaine the Administracōn of Yo^r Excellencyes Government under their Matyes against all their Matyes Enemyes whatsoever, and that we humbly Pray yor Excellency to accept this as the sincere acknowledgements of all their Matyes good Subjects within this their Province Praying for their Matyes long and happy Reigne over us And that yor Excell^y may long live and Rule us according to their Matyes most Excellent constitution of Governing his Subjects by a Generall Assembly.

Afterwards he Delivered the same in writing signed by Ord^r of the house of Representatives James Graham Speaker and the Resolves of that house.

Vpon Reading this day the Resolves of the house of Representatives and their Address to his Excellency thereupon presented to this board, the Governour and Council doe accept the same, returne them thanks, Consent and agree therein and desire the Concurrence of the Representatives that they may be forthwith published and that Mr Nicolls waite upon their house with this minute.

There was also presented unto this board an Order of the house of Representatives wherein they have appointed Johannes Kip, Dirck Wessells, Henry Beeckman, Col Pierson, Capt Stillwell, Mr Whitehead, Mr Duxbury and Mr. Pell, or any five of them, to be a Committee to Establish the ffees of all the Offices throughout this Province, and that they move the Governour and Council that a Committe of the Council be joyned with them and they call to their assistance all Persons and Papers that are needfull and to make returne thereof to this board munday morning next by Eight a Clock, which was considered &

Ordered, that Coll Nicholas Bayard, Steph V. Cortlandt, Chidley Brooke, Willm Nicolls & Willm Pinhorne Esqrs, or any three of them, be a Committe of this board to joyne with them accordingly and that they call unto to their assistance all person and persons that are needfull, and that a copy of this Ord^r be Delivered to Johannes Kip by Coll Nich Bayard that they may be in readyness to make returne accordingly And that Coll Bayard doe appoint the times and places of meeting.

At a Council held at ffort William Henry the 22th of Aprill, 1691.

PRESENT— *His Excellency* THE GOVERNOUR,

JOS. DUDLEY,
FFRED. PHILLIPS,
NICH. BAYARD,
STEPH. V. CORTLANDT, } Esqrs.

CHIDLEY BROOKE,
GABRIEL MONVIELE,
THOMAS WILLETT,
WILL^m PINHORNE, } Esqrs.

Mr Merritt, Mr Courtlandt, Mr Van Schaick & Mr Poline did waite upon his Excellency and Council with the Concurrance of their house to the Publicacōn of their Resolves agreed to by his Excell and the Council and desire that his Excell will be pleased to Order the publishing of them accordingly.

Ordered, they be forthwith Published by the Mayor of this Citty accordingly.

At A Council held at ffort William Henry the 23th of Aprill, 1691.

PRESENT— *His Excellency* THE GOVERNOUR,

JOSEPH DUDLEY,
GAB. MONVIELE, } Esqrs.

WILL^m PINHORNE,
THOMAS WILLETT, } Esqrs.

William Pinhorne Esqr is appointed to attend the house of Representatives and to acquaint them of the necessity of an Order for the Support of the Judges of Oyer and Terminer and of the Superiour Court in this Province and that they would Please to Remember a former messuage from this board referring to Capt Kidd.

At A Council held at ffort Willm Henry the 24th of Aprill, 1691.

PRESENT— *His Excellency* THE GOVERNOUR,

JOS. DUDLEY,
FFRED. PHILLIPS,
NICH. BAYARD,
CHID. BROOKE, } Esqrs.

WILL^m NICOLLS,
GAB. MONVIELE,
WILL^m PINHORNE,
THO. WILLET, } Esqrs.

Mr John Robinson and Mr Daniel Whitehead from the house of Representatives acquainted his Excellency in Council that their house had on the 15th Instant agreed to a method for settling of Courts of Judicature throughout this Province wherein they had payd that duty to their Matyes and to his Excellency as to leave the Commicōnateing and appointing of the Justices or Judges of those Respective Courts unto his Excellency, which was delivered to Mr ffarewell who was appointed to doe the Office of the Attorney Generall to their house, but as yet is not brought in, and that their house has always had that due regard to any messuage that hath come and particularly to that of Capt Kidd; that they referred the consideracōn thereof until the Revenue was Established, which has been ever since under the consideracōn of their house and is now before them.

At A Council held at ffort William Henry the 27th day of Aprill, 1691.

PRESENT— *His Excellency* THE GOVERNOUR,

FFRED. PHILLIPS,
NICH. BAYARD,
STEPH. V. CORTLANDT, } Esqrs.

GAB. MONVIELE,
THO. WILLETT, } Esqrs.

A Bill from the house of Representatives Intituled, A Bill for the Establishing of Courts of Judicature for the ease and benefite of each respective City Towne and County within this Province agreed to by the said house and sent to this board for the Assent of his Excell the Govern^r and Concil, was read.

At A Council held at ffort William Henry the 28th day of Aprill, 1691.

PRESENT— *His Excellency* THE GOVERNOUR,

FFRED. PHILLIPS,
NICH. BAYARD,
STEP. V. CORTLANDT,
CHIDLEY BROOKE, } Esqrs.

GAB. MONVIELE,
WILL. PINHORNE,
THO. WILLETT, } Esqrs.

A Bill from the house of Representatives Intituled, A Bill for the Settling Quieting and Confirming unto the Cityes Townes Mannours and ffreeholders within this Province their Severall Grants Patents and Rights Respectively, agreed to by the said house and sent to this board for the assent of the Govern^r and Council, was read.

A Bill from the house of Representatives Intituled, A Bill for the Quieting and Settling the disorders that have lately happened within this Province and for the Establishing and securing their Matyes present Government against the like disorders for the future, agreed to by that house and sent to this house for the Assent of the Governour & Council, was read.

Ordered, that Mr. Monviele & Mr Pinhorne doe wait upon the house of Representatives and recommend to them the Expediting of a Bill for regulating the Extravagancy of tradesmen and labourers wages that work by the day in this Province.

At A Council held at ffort William Henry the 4th of May, 1691.

PRESENT— *His Excellency* THE GOVERNOUR,

JOS. DUDLEY, FFRED. PHILLIPS, NICH. BAYARD, } Esqrs.

STEPH. V. CORTLANDT, CHIDLEY BROOKE, GAB. MONVIELE, } Esqrs.

A Bill intituled, A Bill for quieting and settling the disorders that have lately happened within this Province and for the Establishing and Securing their Matyes present Government against the like disorders for the future, is assented unto by the Govern^r and Council with these Amendments, vizt—

(from the Crown of England) insteade of (from them) p 1, l. 8.

(from their Matyes their heirs and Successors) insteade of (from them) p 2, l. 5.

A Bill Intituled, A Bill for Establishing Courts of Judicature for the Ease and benefite of each respective City Towne and County within this Province is assented unto by the Governour & Council with these Amendments. vizt—

That the Supreme Court be Limited to sit Eight dayes instead of five.

That the appeal from the Supreme Court be to the Governour and Council, instead of the high Court of Chancery consonant to their Matyes Lres Patents to the Governour.

That this Act doe Continue in force during the terme of two years, as in the said Bill, and until the end of the sitting of the next session of Assembly after the Expiracōn of the sd two years.

A Bill Intituled, A Bill for settling the Militia agreed to by the house of Representatives and sent to this board for the Assent of the Governour and Council, Read and assented to with those Amendments, vizt—

That the musters of the militia of the Citty and County of N. Yorke be reduced to the same number with the musters of the rest of the Countyes.

And for supply of the troops of horse for the Cityes of New Yorke and Albany it shall be in the power of Coll or Chief Officer of each Citty for the time being, whensoever any of the said troops shall not Compleate the number of fifty, to present double the number instead of such as are dead removed or wanting out of the principall Inhabitants and Gents of the Respective Cittyes unto the Governour for the time being who from time to time may list and Order so many of them to be of the said Respective Troops as may Compleate the number of fifty for their Matyes service and the security of this Province.

That it be Provided, if the fines shall not amount to a Sume sufficient to defray the Charge of the Trophyes the overplus be levyed upon the severall souldiers equally by warrant or ord^r of the Collonell or Chief Officer of the Regiment troops or Companyes.

A Bill Intituled, A Bill for the settling quieting and Confirming unto the Cityes Townes Mannours & ffreeholders within this Province their severall Grants Patents & Rights respectively, assented unto by the Govern^r & Council with those Amendments, vizt—

That as the King is barred so in the last proviso the Subject be also barred his right if he doe not Claime the same within the space of five years next after the date of this Bill & Saving for Orphans and persons beyond sea &c.

A Bill Intituled, A Bill for the Enabling each respective Towne within this Province to Regulate their fences and highways and make prudentiall Orders for their peaceable & Orderly Improvement, agreed to by the house of Representatives and sent to this board for the Assent of the Govern^r & Council—Read & assented unto without Amendment and Coll Bayard Desired to Cary back the said five Bills with those minutes of Council in Order to have them agreed to by the Representatives, Engrossed & presented to His Excell^y to be Enacted.

At A Council held at ffort William Henry the 6th of May, 1691.

PRESENT— *His Excellency* THE GOVERNOUR,

JOS. DUDLEY, FFRED. PHILLIPS, NICH. BAYARD, } Esqrs.

STEPH. V. CORTLANDT, CHIDLEY BROOKE, } Esqrs.

The five following Bills were Enacted:

A Bill for Quieting and Settling the Disorders, &c.

A Bill for Establishing of Courts of Judicature, &c.

A Bill for Settling the Militia.

A Bill for Settling quieting and Confirming, &c.

A Bill for Enabling each respective Towne within this Province to Regulate their fences, &c.

An Address to their most Excellent Matyes from the Govern^r, Council and Representatives of this Province, Read before His Excell the Governour Council and the Representatives of this Province here present, was first signed by His Excye the Governour, then by the severall members of the Council and afterwards by the Speaker and the severall Representatives to be dispatched forthwith to their Matyes.

At A Council held at ffort William Henry the Eighth of May, 1691.

PRESENT— *His Excellency* THE GOVERNOUR,

JOS. DUDLEY, FFRED. PHILLIPS, NICH. BAYARD, STEPH. V. CORTLANDT, } Esqrs.

CHIDLEY BROOKE, WILL. NICOLLS, WILL^m PINHORNE, THO. WILLETT, } Esqrs.

Mr Pell, Mr Wessells, Alderman Kip, Mr Howell, Mr Whitehead, Mr Poling, Capt Demyre, Mr Ranslaer and Mr Duxbery attended His Excellency in Council and Read an address and Report of their house wherein they doe Complain that their Bills are delayed for want of the Attorney Generall to assist them in the drawing of them.

His Excellency Expressed himself Concerned that the business of that house should be retarded, told them that he had appointed the Attorney Generall to attend them and that he suffered him not to goe to Boston without their leave, that he believed it was the businesse of that house to Draw their own Bills but that he would advise concerning the same and notwithstanding would take care all help should be given them.

A Bill Declaring what are the Rights and Priviledges of their Matyes Subjects Inhabiting within their Province of New York, from the house of Representatives, was read.

Mr Courtlandt and Mr Brooke are desired to report unto the house of Representatives that His Excellency and Council are very sensible of their Industry in their Matyes and the Countryes service; That His Excellency and Council hath been ready at all times to pass their Bills and that since the method of drawing of Bills is misunderstood, a Conference be had thereupon to morrow morning at Eight of the Clock.

At A Council held at ffort William Henry the 9th of May, 1691.

PRESENT— *His Excellency* THE GOVERNOUR,

JOS. DUDLEY, NICH. BAYARD, STEPH. V. CORTLANDT, CHIDLEY BROOKE, WILL^m SMITH, } Esqrs.

WILL^m NICOLLS, WILL^m PINHORNE, GAB. MONVIELE, THOMAS WILLETT, } Esqrs.

Mr Speaker, Mr Wessells and Mr Pell on behalfe of the house of Representatives did returne thanks unto his Excellency and Council for their great readiness at all times to passe such Bills as have been recommended to them and did offer to Conferr concerning the method of drawing of Bills.

Ordered, that Coll Dudley, Coll Bayard and Mr Nicolls be a committe of this Board appointed to meet with a Committe of the house of Representatives to be appointed to settle a method for Expediting and Examining ye business of this Sessions of the Assembly, and that they sit at Mr Matthews at 2 of the Clock of the afternoon this day and that Mr Monviele doe forthwith waite upon the house of Representatives to acquaint them thereof.

At A Council held at ffort William Henry the 11*th of May,* 1691.

PRESENT— *His Excellency* THE GOVERNOUR,

JOS. DUDLEY, ffred. PHILLIPS, NICH. BAYARD, STEPH. V. CORTLANDT, } Esqrs.

CHIDLEY BROOKE, WILL^m SMITH, GAB. MONVIELE, } Esqrs.

A Memoriall relating to the Revenue received and due by the former Acts, Delivered to this Board by Chidley Brooke Esqr Col^r, Read and *Ordered*, that it be presented to the Representatives by Steph. Van Courtlandt and the said Coll^r for their Consideracōn.

Mr Courtlandt and Mr Merritt waited on his Excellency in Council and gave the humble and hearty thanks of the house of Representatives for the Great care he takes in preserving the peace and quiet of this Province, and to desire him to appoint the Council to Confer with their house upon what was recommended to their Consideracōn.

Mr Pinhorne sent to acquaint their house that His Excell & Council are in readynesse to receive them in ord^r to the said Conference.

At A Council held at ffort Willm Henry May ye 12*th,* 1691.

PRESENT— *His Excellency* THE GOVERNOUR,

JOS. DUDLEY, ffred. PHILLIPS, NICH. BAYARD, STEP. V. CORTLANDT, } Esqrs.

WILL. PINHORNE, WILL. NICOLLS, THO. WILLETT, COLL. SMITH, } Esqrs.

A Bill Declaring what are the Rights and Priviledges of their Matyes Subjects inhabiting within this Province of New Yorke, Assented unto by the Govern^r and Council with these Amendments, vizt—

That five be instead of seaven a Quorum of the Council.

Freeholders to have Estate of ffreehold of fourty shill.

In the Clause concerning Baile to add, According to Laws & Customs of the Realme of England.

In the Clause of Billeting to add, Excepting Innholders and other houses of publick Entertainment who are to quarter for ready money.

In the Clause Concerning Liberty of Conscience, Provided allways that nothing herein mencōned or Contained shall Extend to give liberty for any persons of the Romish Religion to Exercise their manner of worship Contrary to the Laws and Statutes of their Matyes Kingdome of England.

And Coll Bayard Ordered to cary back the said Bill to the house of Representatives with the minute of those amendments for their Concurrance thereunto, in order to its being presented to the Governour to be Enacted.

At A Council held at ffort William Henry May the 13*th,* 1691.

PRESENT— *His Excellency* THE GOVERNOUR,

JOS. DUDLEY, 1; ffred. PHILLIPS, 2; NICH. BAYARD, 4; STEP. V. CORTLANDT, 3 } Esqrs.

CHIDLEY BROOKE, 6; WILL. SMITH, 5; WILL. PINHORNE, 8; THO. WILLETT, 7 } Esqrs.

A Bill for the Defraying the Publique and necessary Charge throughout this Province and for mantaining the Poor and preventing of vagabonds Read, Assented unto by the Govern^r & Council, Ordered to be Enrolled & Enacted.

A Bill for the Allowance of Representatives Read, Assented unto by the Governour and Council and Ordered to be Enrolled & Enacted.

A Bill for the Raising and Levying of two thousand pounds for paying and defraying the Incidentall Charges according to Establishment of one hundred fusileers with their Officers for one whole year, Read, Assented unto by the Governour and Council and Ordered to be Enrolled & Enacted.

A Bill to Enable the Citty and County of Albany to Defray their necessary Charge, Read, assented unto by the Governour and Council and Ordered to be Enrolled and Enacted.

A Bill Declaring what are the Rights & Priviledges of their Matyes Subjects inhabiting within this Province of New Yorke, Read, Assented unto by the Governour and Council with the Amendments inserted & Ordered to be Enrolled and Enacted.

Ordered, that Coll° Willet doe forthwith attend the house of Representatives with the said five Bills and acquaint them that they are passed.

At A Council held at ffort William Henry, May the 14*th*, 1691.

PRESENT— *His Excellency* THE GOVERNOUR,

JOS. DUDLEY,	1	Esqrs.	WILL. SMITH,	4	Esqrs.
FFRED. PHILLIPS,	2		WILL. NICOLLS,	7	
NICH. BAYARD,	3		GAB. MONVIELE,	5	
CHIDLEY BROOKE,	6				

A Bill for the Establishing A Revenue for the Defraying the Publick Charge of the Province, Read and assented unto by the Governour and Council with the Amendments following, viz[t].

To be added to the clause of Repayment for Exported wines and liquors: That the Exporter make Oath in the Custome house that the whole duty hath been payd for the said wines and liquors at their Importacōn; That there hath been noe fraud or mixture used to Increase the said Liquors to be Exported, and that thereupon he bring a Certificate from the Surveyor or Searcher that the said wines or Liquors are accordingly shipt.

Ordered, That Mr Pinhorne forthwith waite upon the house of Representatives with the s[d] Bill and Deliver it and this minute for their Concurrance in order that it may be Enrolled and Enacted.

At A Council held at ffort William Henry, the 15*th day of May*, 1691.

PRESENT— *His Excellency* THE GOVERNOUR,

JOS. DUDLEY,	1	Esqrs.	CHIDLEY BROOKE,	6	Esqrs.
FFRED. PHILLIPS,	2		WILL. NICOLLS,	7	
NICH. BAYARD,	4		WILL. PINHORNE,	8	
STEP. V. CORTLANDT,	3		GAB. MONVIELE,	5	

The house of Representatives attended His Excellency and Council & Mr Speaker in the name of the house Recommended to His Excellency and Council that a Proclamacōn issue forth for the Returne of all such who have deserted their habitacōns and to assure them of the ffree and full protecccōn of their Matyes Laws and Government.

A Bill to Enable his Excellency to Defray his Extraordinary Expense and to Indempnify the Collector and Receiver Generall for the Receipt of severall sumes of money on pretense of Customes and Duty, read.

At A Council held at ffort William Henry, the 16*th of May*, 1691.

PRESENT— *His Excellency* THE GOVERNOUR.

FFRED. PHILLIPS,	1	Esqrs.	GAB. MONVIELE,	4	Esqrs.
NICH. BAYARD,	3		WILL. NICOLLS,	5	
STEP. V. CORTLANDT,	2		THO. WILLETT,	6	
WILL. PINHORNE,	7				

A Bill Intituled, A Bill to Enable His Excellency to Defray his Extraordinary Expense and to Indempnify the Collector and Receiver Generall for the Receipt of severall sumes of money on pretence of Custome and Duty, Read, assented unto by the Governour and Council & Ordered to be Enrolled and Enacted.

A Bill for the Pardoning such as have been Active in the late Disorders, &c., Assented unto by the Governour and Council and Ordered to be Enrolled and Enacted.

A Bill Entitled, A Bill for the Establishing a Revenue for the Defraying the Publick Charge of the Province, Assented unto by the Governour and Council and Ordered to be Enrolled & Enacted.

His Excellency and Council having sent for the house of Representatives are Resolved to goe in solemne manner to the Citty hall and there Publish such Acts as are already passed or so many of them as the time will permitt.

At A Council held at ffort William Henry, the 18*th of May*, 1691. Antemeridiem.

PRESENT— *His Excellency* THE GOVERNOUR,

JOS. DUDLEY, ffred. PHILLIPS, NICH. BAYARD, STEP. V. CORTLANDT, CHIDLEY BROOKE, } Esqrs.

WILL. NICOLLS, WILL. PINHORNE, GAB. MONVIELE, THO. WILLETT, } Esqrs.

Vpon Reading the Peticōn of severall Merchants Inhabiting the City of New Yorke, called Quakers,

His Excellency being satisfyed of the former Customes of this Province, signed and passed A Bill to Ease people that are scrupulous in Swearing, and Desire Thomas Willet Esqr to Cary the same to the house of Representatives, to acquaint them thereof, which was done accordingly.

A Proclamacōn for calling back such as through fears and Jealousyes have deserted their habitacōns and to Assure them of freedome and Liberty from unlawfull and vexatious suites, with an Addition to be inserted, was recommended to the Assembly for their Concurrance.

His Excellency and Council attended with the Representatives, Resolved to goe to the Citty hall and Publish the Act of the Libertyes of the People in this Province & the Act of the Revenue.

ffred. Phillips Esqr, Coll Bayard, Maj^r Monviele & Chid Brooke Esqr are appointed A Committe to Joyne with a Comitte of the house of Representatives to be by them appointed to Consider the affair of the Weighhouse.

Postmeridiem.

PRESENT— *His Excellency* THE GOVERNOUR,

JOS. DUDLEY, ffred. PHILLIPS, NICH. BAYARD, } Esqrs.

STEP. V. CORTLANDT, CHIDLEY BROOKE, WILL. PINHORNE, } Esqrs.

His Excellency sent for the Representatives who waited upon him and Council.

His Excell was pleased in the first place to returne them thanks for their good services done to their Matyes; next for the care they had taken of this Province and lastly for their kindnesse towards himselfe. Then Coll. Dudley by His Excellencyes Command signifyed to them

That His Excellency was Pleased to adjourne the Assembly till the second tuesday of September next and desired that the Speaker Mr Graham would Adjourne their house accordingly, and said His Excell was sensible they have many good things before them and therefore was rather inclined to adjourne then Prorogue them, that nothing might hinder their good Intentions.

Adjourned till the 2^d tuesday of 7^ber next ensuing.

THE SECOND SESSIONS OF THE 1 ASSEMBLY.

Att A Council held at ffort William Henry, the 11*th of September*, 1691.

PRESENT— *The* COMMANDER IN CHIEFE,

JOSEPH DUDLEY, FREDRICK PHILLIPS, NICH. BAYARD, } Esqrs.
STEPH. V. COURTLANDT, CHIDLEY BROOKE, } Esqrs.

Alderman Kip, & Capt Demyer from the house of Representatives attend this Board to know what businesse this board hath to lay before them for the service of their King and Countrey.

Coll Bayard & Chidley Brooke Esqrs are desired to returne the thanks of this board to the house of Representatives for their readynesse &c. and to acquaint them that the first thing offered to their Consideracōn is the maintainance & support of the frontiers at Albany the winter ensuing which in Our Opinion requireth a more Considerable force than what is already provided.

And that Maj^r Schuylers Expedicōn to Canida which hath proved very succesfull hath cost above Elevin hundred pounds, the Accounts whereof shall be presented to their house if Desired, that this Charge is more than what can be supported by the present Revenue and that they Consider of some methods of raising money for Defraying the Extraordinary Charges of this Government Occacōned by the Warr.

Att A Council held at ffort William Henry, the 25*th of September*, 1691.

PRESENT— *The* COMMAND^r IN CHEIFE,

JOS. DUDLEY, FFRED. PHILLIPS, STEPH. V. COURTLANDT, } Esqrs.
NICH. BAYARD, CHIDLEY BROOK, THOMAS WILLETT, } Esqrs.

Coll Pierson and Mr Van Schaick from the house of Representatives attended this board with a Bill Intituled, A Bill for the regulating of Damages done in the time of the late Disorders and for the uniteing the minds of their Matyes Subjects within this Province and for Calling home such of their Matyes Subjects as have lately absented themselves from their habitacōns, &c., agreed unto by their house,

Which was read the first time.

Vpon Reading the Peticōn of the Representatives of the County of Albany with an Account of Disbursements &c. for the Defence thereof before the late Govern^rs Arriveall and sence the Revolution;

Alsoe the Returne of A Comitte of the Representatives to a Certaine Order of the house of Representatives thereupon,

Ordered, that the said Peticōn and Account be sent to the house of Representatives and that they be Desired to signify to this board their Order thereupon.

Vpon Reading the Peticōn of sundry Merchants of the City of New Yorke wherein they propose severall things to be done for the Advantage of their Matyes Revenue and the Trade and Navigacōn of this Province,

Ordered, that Coll Courtlandt and Chidley Brooke Esqrs doe cary the said Peticōn to the house of Representatives and acquaint them that the Command^r in Cheife & Council doe recommend the sd Peticōn to the Consideracōn of that house as a thing very much Deserving their Care.

Mr Merritt from the house of Representatives presented A Bill for the Regulating the buildings, streets, lanes, wharfs, docks & alleys of the Citty of New Yorke, and A Bill to Divide this Province and Dependancyes into Shires & Countyes, which were both read.

Postmeridiem.

PRESENTIBUS *Iisdem.*

Vpon Reading of the Peticōn of Coll Willett, Capt Webb, Capt Lockkart &c.

Ordered, the sd Peticōn^rs be referred to the house of Representatives and the peticōn presented to the sd house by Coll Courtlandt & Chidley Brooke Esqr.

The three Bills presented from the house of Representatives were read the second time.

Att A Council held att ffort William Henry, the 26th of September, 1691.

PRESENT— *The* COMMAND^r IN CHEIFE,

JOS. DUDLEY, FFRED. PHILLIPS, STEPH. V. CORTLANDT, } Esqrs.
NICH. BAYARD, CHIDLEY BROOKE, THO. WILLETT, } Esqrs.

The Bill for Dividing the Province into Shires & Countyes Read the third time, is Consented unto by this board with the following Amendments, vizt:

Nutten Island and the three Oyster Islands to be added to the County of New Yorke.

In Lin. 2 p. 2, instead of Extends, to be added (at present extends).

The 2 Brothers and Huillett Islands to be added to Queens County.

The Bill for the Regulating the Buildings, Streets, Lanes, Wharfs, Docks and Alleys of the Citty of New Yorke, being Read the third time, is assented unto by this board with the following Amendments, vizt:

Provided any Difference now Depending between the Mayor, Aldermen and Comonalty of this Citty and any ffreholder therein be left to the Decision of this board or a Committe thereof for that purpose.

And that the other clauses Concerning buildings, Streets, Lanes, &c., be, of future surveys and Grants of Lands now belonging to the said Citty.

The Bill for the Regulating of Damages &c. being read the third time, was assented unto by this board with the Amendments following, vizt:

Provided instead of Deceased, be added, late attainted & Executed.

That the Judgements Obtained before the publishing of the Proclamacōn to avoid vexatious suites stand firme and good.

That Capt Jacobus V. Courtlandt be Chairman, instead of John Laurence and Mr Thomas Codrington be instead of Verfflleck Commissōners of the Citty & County of N. Yorke.

That Injured persons beyond seas be barred from Claiming after one year, and the power of the Commisōners to Determine in One month after.

That the Persons standing out not beyond seas be obliged to returne within four months.

Att A Council held att ffort William Henry, the 28th of September, 1691.

PRESENT— *The* COMMANDER IN CHEIFE,

JOS. DUDLEY, FFRED. PHILLIPS, STEPH. V. COURTLANDT, NICH. BAYARD, } Esqrs.
CHIDLEY BROOKE, GABRIEL MONVIELE, THOMAS WILLETT, } Esqrs.

Vpon Reading the Addresse of the house of Representatives setting forth their sence of the Displeasure of Almighty God for their manifold sinns by the blasting of their corne &c.

Ordered, that the first wednesday in every month untill the month of June following be Observed and kept *a fast day* and that Proclamacōn be issued throught the Government to Enjoyne the strict Observacōn thereof and that all persons be inhibited any servile labour on the said dayes.

Major Monviele to Cary this minute to that house.

Att A Council held at ffort William Henry, the 29th of September, 1691.

PRESENT— *The* COMMANDER IN CHEIFE,

JOS. DUDLEY, NICH. BAYARD, CHIDLEY BROOKE, } Esqrs.
MAJ^r MONVIELE, THOMAS WILLETT, } Esqrs.

The house of Representatives having agreed to the Amendments of this board in the Bill for Regulating the Damages &c., the same was Enacted.

Ordered, the Bill for regulating the buildings, Streets, lanes, wharfs, &c., be sent back to the house of Representatives and that they be acquainted that the Commander in Cheife & Council doe not consent to it in manner and forme.

Chidley Brooke Esqr and Coll Willett desired to acquaint the house of Representatives concerning the sd two Bills.

The house of Representatives sent a report of a Committe of their house for the auditing of a Roll or Account of publick Rates due to Mr Merritt & others, amounting to the sume of four hundred, twenty-six pounds, seventeen shillings and four pence (which report they did approve of) for the approbacōn of this board.

At A Council held att ffort William Henry, the 30th of September, 1691.

PRESENT— *The* COMMANDER IN CHEIFE,

JOS. DUDLEY, FFRED. PHILLIPS, STEPH. V. COURTLANDT, NICH. BAYARD, } Esqrs.

CHIDLEY BROOKE, GAB. MONVIELE, THOMAS WILLETT, } Esqrs.

Vpon Reading the Peticōn of the Merchants of New Yorke referred by the house of Representatives to this board,

Ordered, A Proclamacōn be forthwith issued prohibiting the Exportacōn of wheate from this Province and Dependanceyes.

A Bill for Raising one hundred & fifty men for the Defence of Albany for six months, read the third time & Enacted.

At A Council held at ffort William Henry, the first of October, 1691.

PRESENT— *The* COMMANDER IN CHEIFE,

JOS. DUDLEY, FFRED. PHILLIPS, STEPH. V. CORTLANDT, NICH. BAYARD, } Esqrs.

CHIDLEY BROOKE, GABRIEL MONVIELE, THOMAS WILLETT, } Esqrs.

The Bill for Dividing this Province & Dependancyes into Shires and Countyes, Enacted.

Coll Willett Desired to acquaint the house of Representatives of the Resolution of this board to publish the three Acts passed this session and the two Proclamacōns Referring to the fast & Prohibiting the Exportacōn of wheat in grain out of this Province, this forenoon in Order to the adjournment of the Assembly unto the third tuesday of April next, being the ninetenth day thereof, which they Judge a Convenient time for the next session.

The Bill for regulating the buildings, streets, Lanes, Wharfs, &c., of the City of N. Yorke with the Amendments agreed to by the house of Representatives this day passed this board & Enacted.

At A Council held at ffort William Henry, the 2d of October, 1691.

PRESENT— *The* COMMANDER IN CHEIFE,

JOS. DUDLEY, FFRED. PHILLIPS, } Esqrs.

STEPH. V. COURTLANDT, THOMAS WILLETT, } Esqrs.

An Account of the Expedicōn for Albany under Coll Dongan audited by a Committe of the Representatives, and their Report thereon being read,

Ordered, that said Report be referred till the next sessions of the Assembly and in the mean time Copyes thereof be allowed to Coll Dongans Attorneyes that they may have liberty to Object against the same.

The Commander in Cheife & Council having under Consideracōn the Remaining part of the Rate raised for defraying the Charge of the Expedicōn to Albany und^r Coll Dongan standing out, amounting to Elevin hundred twenty-nine pounds three shil. and six pence, Judge it Reasonable the same should be payd to the Officers Concerned and that it will be requisite a Bill be prepared this or the next Sessions for that purpose.

Vpon Applicacōn made by the Representatives of Albany and Esopus concerning a great benefite and advantage to the Revenue and trade of this Province by settling of Commerce with the Farr Indians as well as to Continue a peace with them,

Ordered, That the Magistrates of Albany and Esopus doe suffer six Christians from Albany and six from Sopus to accompany twenty-five Indians and noe more to proceed on the said march least our ffrontiers should be weakened And that the said Magistrates doe give them instruccōns of their manner of Treaty & time of Returne, which they are to Observe.

The Commander in Cheife Adjourned the Assembly untill the third tuesday in Aprill next, being the Ninteenth.

THE THIRD SESSIONS OF THE ASSEMBLY.

Att A Council held at ffort William Henry, the 20th of Aprill, 1692.

PRESENT— *The* COMMANDER IN CHEIFE,

JOS. DUDLEY, FFRED. PHILLIPS, STEPH. COURTLANDT, } Esqrs.

NICH. BAYARD, CHIDLEY BROOKE, 2 GAB. MONVIELE, 1 } Esqrs.

Maj^r Merritt and Capt Wessells came to acquaint his Honour and Council that now they were a full house and were ready to receive the Commands of this board for their Matyes service.

Whereupon Coll Courtlandt and Chid Brooke Esqr were desired to waite upon the Representatives and acquaint them that His Honour & Council were ready to receive them who came.

Jos Dudley Esqr. did signify unto them that the provision formerly made for the Defence of Their Matyes ffrontier Garrison at Albany is to be at an end the first of May next, that by the Blessing of God what provision they have formerly made hath proved successfull, that so soon as we shall have notice of the arriveall of any Govern^r to our neighbouring Colonyes from the Crowne, Care shall be taken to represent the great hardship upon this poor Province in raising and mantaining of a sufficient force for the Defence of that Garrison and the great interest and benefitt that doth accrue to all our neighbours thereby as well as the Honour and interest of their Matyes Crowne which is very much concerned in the Defence thereof, to Excite their aid and assistance, in the meantime it is chief business the Commander in Cheife and Council have to lay before you to make further speedy provision for the reinforcement of Albany.

Ordered, that pursueant to the promise of this board this day to the Representatives of this Province, Lres be prepared to be sent to Maryland, Virginea, Pennsilvania, & Boston accordingly.

Adjourned till morrow morning.

At A Council held at ffort Willm Henry, the 21th of Aprill, 1692.

PRESENT— *The* COMMANDER IN CHEIFE,

JOS. DUDLEY, FFRED. PHILLIPS, STEPH. COURTLANDT, NICH. BAYARD, WILL^m SMITH, } Esqrs.

GAB. MONVIELE, CHID. BROOKE, THO. WILLETT, THO. JOHNSON, JOHN LAURENCE, } Esqrs.

Mr Robinson & Maj^r Beeckman from the Representatives did attend this board to desire a list of the forces that have been employed for the securing of the frontiers at Albany and an Account of the Incidentall Charges.

Who were answered, that the Commissary was in Towne and the list of the forces & Account of the incidentall Charges should be forthwith prepared for their perusall.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 22th of Aprill, 1692.

PRESENT— *The* COMMANDER IN CHEIFE,

JOS. DUDLEY, FFRED. PHILLIPS, STEPH. COURTLANDT, NICH. BAYARD, GAB. MONVIELE, } Esqrs.

CHID. BROOKE, THO. WILLETT, THO. JOHNSON, JOHN LAURENCE, } Esqrs.

Mr Pell and Mr Van Schayck waited upon this board to signify that the house of Representatives could not proceed untill they had the list of the Fusileers employed at Albany with the Account of the Incidentall Charges that have accrued thereon ; which was again immediately ordered to be dispatched.

Coll Courtland, Coll Bayard & Chid Brooke Esqr are appointed a Committe forthwith to auditt the Accounts of the 3 Comp^es of fusileers late at Alb.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 23th of Aprill, 1692.

PRESENT— *The* COMMANDER IN CHEIFE,

JOS. DUDLEY, FFRED. PHILLIPS, STEP. COURTLANDT, NICH. BAYARD, } Esqrs.

WILL^m SMITH, GAB. MONVIELE, THO. WILLETT, THO. JOHNSON, } Esqrs.

Coll Bayard and the rest of the Committe appointed to audite the Accounts of the three Companyes of fusileers, gave their returne under their hands which was read and approved and Coll Willett desired to Deliver the same to the Representatives in order to their proceeding for the reinforcement of Albany.

Adjourned till Monday morning.

At A Council held at ffort William Henry, the 27th of Aprill, 1692.

PRESENT— *The* COMMANDER IN CHEIFE,

FFRED. PHILLIPS, STEPH. COURTLANDT, NICH. BAYARD, GAB. MONVIELE, } Esqrs.

CHID. BROOKE, WILL^m NICOLLS, THO. WILLETT, JOHN LAURENCE, } Esqrs.

Mr Courtlandt and Mr Van Schayck from the house of Representatives having presented to this board the Report of A Committe of their house upon the audite of the Accounts of the three Companyes of fusileers wherein they disallow of Sundry Charges which were approved off by the Council,

Ordered, that Coll Courtlandt Coll Bayard Lt Coll Monviele & Chidley Brooke Esqr be a Committe of the Council appointed to Confer with the Committe of the house of Representatives Vpon the Charges Controverted.

This board having under Consideracõn that by the Act of Assembly for the 150 fusileers now at Albany they are to be discharged on the first of May next and that the new levyes cannot arrive at Albany in lesse then four weeks in which time the garrison remaineth unprovided and may be assaulted and destroyed by the Enemy.

Resolved, it is Convenient, On Consideracõn that many of the fusileers are farmers sons and planters who suffer great inconveniencyes at home as well as the hardships abroad in the service and that the Commander in Cheife for their Encouragement did promise when they went up the river they should be punctually disbanded with their pay on the first of May for the present support of that Guarrison That every fusileer who will voluntarily remaine at Albany in armes One month next after the first of May following be payed a ℔s of $\frac{8}{8}$ in hand and have his full pay for the sd month and be discharged at the Expiracõn thereof & the Officers to have their pay Continued the sd month.

Ordered, Coll Courtlandt to advise the house of Representatives of this Resolution for their Consent.

Mr Van Schayck and Mr Ranslaer from the house of Representatives doe returne that they approve of the Resolution of this board concerning the Continuacōn of the fusileers at Albany one month until the new forces for the reinforcement of that Garrison can be there, and pray that it may be put in Execution accordingly

Jacobus Courtlandt, John Pell, William Demyre &c did waite on this board with a Bill from the house of Representatives intituled, A Bill for the raising of two hundred men with their proper Officers for the securing and Reinforcing of Albany in the ffrontiers of this Province, which was read the first time.

Adjourned till afternoon.

Postmeridiem.

PRESENT— *The* COMMANDER IN CHEIFE,

FFRED. PHILLIPS, STEPH. COURTLANDT, NICH. BAYARD, } Esqrs.
GAB. MONVIELE, CHID. BROOKE, THO. WILLETT, } Esqrs.

The Bill of the 200 men read the second time.

This board finding that the money to be raised by the said Bill falls short of the pay of the 200 men with their propper Officers besides the necessary incidentall charges that must accrue,

Ordered, that Coll Courtlandt, Coll Bayard, Liev^t Coll Monviele, Chidley Brooke & William Nicoll Esqrs be a Committe of the Council to signify the same unto the Representatives and to have a Conferrence thereon and of some other amendments in the said Bill, with a Committe of their house to be thereunto appointed.

Adjourned till to-morrow morning.

At A Council held at ffort William Henry, the 28th of Aprill, 1692.

PRESENT— *The* COMMANDER IN CHEIFE,

FFRED. PHILLIPS, STEPH. COURTLANDT, NICH. BAYARD, GAB. MONVIELE, } Esqrs.
WILL^m NICOLLS, THO. WILLETT, JOHN LAURENCE, } Esqrs.

This board having under Consideracōn the Act intituled, An Act to Enable his Excell &c. doe recommend unto the house of Representatives to prepare an Explanatory Bill thereof and particularly of that part which relates to the Customes of the months of May and June 1689, and that provision may be made that it be converted to the use formerly intended, vizt. for the defraying the Charges of the City, fortificacōns, & Coll Bayard Desired to waite upon them with this Recommendacōn.

Mr Duxbury brought in a Bill from the house of Representatives for destroying of Wolves which was read the first time.

Adjourned till 9 a clock next morning.

At A Council held at ffort William Henry, the 29th of Aprill, 1692.

PRESENT— *The* COMMANDER IN CHEIFE,

FFRED. PHILLIPS, STEPH. COURTLANDT, NICH. BAYARD, } Esqrs.
GAB. MONVIELE, THO WILLETT, } Esqrs.

Coll Nich Bayard Chairman of a Committe of both house appointed to Confer upon the Bill for the raising of two hundred men &c, gave in their report, which was read and approved of and Ordered the Amendments and the addicōns therein be annexed to the Bill and that Coll

Courtlandt doe deliver the same to the house of Representatives for their consent and approbacōn, that it may be amended accordingly and forthwith Enacted.

The Bill for destroying of Wolves being read the second and third time was Consented unto by the Command^r in Cheife & Council without Amendment, and Ordered to be Enrolled and Enacted.

Coll Bayard Chairman of the Committe appointed by both houses to Conferr of the Charges of the three Companyes of fusileers in reguard of the Shortnesse of time on behalfe of the said Committe, prayed it might be delayed till the next Sessions of the Assembly.

Which is agreed unto by this board.

Coll Nich Bayard alsoe on behalfe of the sd Committe Offers a proposall to have some of the troops of Militia horse broake for some time that they may be Obliged to serve on foot for the ease of the poorer sort of people.

Which proposall was Ordered to be recommended to the house of Representatives for their Consideracōn that some method may be found to make them lyable to Detachment for Albany in foot service notwithstanding any clause in the Act of the Militia to the Contrary. Coll Willett to acquaint the Representatives thereof.

Jacobus Van Courtlandt & Maj^r Merritt presented unto this board an Address from the Representatives to the Commander in Cheife & Council for an order to the Officers of the Government to take moderate ffees for their services until a regulacōn be agreed upon, which was read.

Adjourned till 4 a clock afternoone.

Postmeridiem.

PRESENT— The COMMANDER in CHEIFE,

ffred Phillips, Step Courtlandt, Nich Bayard, } Esqrs. Gab Monviele, Tho Willett, } Esqrs.

Alderman Kipp, Mr Ranslaer, Capt Demyre, M^r. Dorland & Maj^r Merritt returned the Bill for the raising of two hundred men, unto this board with the minute of the house of Representatives containing their Consent to the additions & amendments in the said Bill, it being amended accordingly.

The said Bill being read the third time was Ordered to be Enrolled and Enacted.

Ordered, that Leiv^t Coll Monviele doe acquaint the house of Representatives that the Bill for the raising of the 200 men, as amended and approved off by them when last returned, is Ordered to be Enrolled and Enacted.

And that the Peticōns and Addresse of the Committes concerning the fees are taken unto further advisement, and that they attend this board in order to be adjourned.

The house of Representatives having desired a Committe of the Council may be appointed to Examine into the State of the Revenue sometime before the next Sessions of Assembly, being joyned with a Committe of their house that some effectuall Care may be taken to remedy its being for the future Exhausted,

Ordered, that Coll Courtlandt, Coll Bayard Lt Coll Monviele & Chidley Brooke Esqr be a Committe for that End, to joyne the Committe of the house of Representatives to be thereunto appointed.

The Commander in Cheife showed unto the Representatives some L'res of intelligence come from Albany, wherein is set forth an urgent necessity to preserve & Confirme the Indians, and let them to understand that he believed himself obliged forthwith to goe thither in person and desired they would Consider of some Expedient to procure Creditt for five or six hundred pounds, the Revenue being Exhausted by the great and manifold Charges accruing during the Warr, and the trade being much decreased.

So many of the Representatives as were present being tenne and the Speaker, did returne under their hands Representing that their present number and Circumstances could not admit of a suitable Remedy, but that it is their Opinion that a Creditt should be raised for a present to the Indians and that if upon Examinacōn by the Committes of both houses they did find the Revenue insufficient to Defray the same, they will Establish a propper fund to satisfy the said Creditt, with the interest that shall arise thereon, the next Sessions of the Assembly.

The Commander in Cheife gave thanks to the house of Representatives for what Care they had taken in the reinforceing of Albany, and Adjourned the Assembly till the third tuesday of August next Ensuing being the 16th of that Month.

THE FOURTH SESSIONS OF THE 1 ASSEMBLY.

At a Council held at ffort William Henry, the 17th of August, 1692.

PRESENT— *The* COMMANDER IN CHEIFE,

FFRED PHILLIPS, STEPH. CORTLANDT, NICH. BAYARD, GAB. MONVIELE, } Esqrs.

CHIDLEY BROOKE, WILL^m NICOLLS, THO. JOHNSON, JOHN LAURENCE, } Esqrs.

Maj^r Howell & Capt Whitehead waited upon this board from the house of Representatives to know what business is to offered for their Maties service.

Resolved, that Coll Bayard and Chidley Brooke Esqr doe waite upon the house of Representatives to returne the thanks of this board for their readynesse and to acquaint them that the Commander in Cheife and Council doe now waite their presence to receive what they have to offer for their Maties service.

Pursuant to an order of Council of the 14th of July, 1692, the Committe appointed to examine the Condicōn and State of the Revenue and what may be propper to be Offered to the Representatives for their Maties service made their returne, the matter whereof was that to defray the debts of the Government already contracted and for the necessary Charge of the Defence of Albany the Winter ensuing, there will be 7500£ required to be forthwith raised which they believe propper to be offered to their consideracōn.

The Representatives attended the Council board as desired and the Commander in Cheife made the following speech to them vizt

Gentl. I did Expect before this time to have mett with the settlement intended by their Maytes for this Governm^t, but that being not yet arrived the Care thereof continues still with me. I doe therefore acquaint you that by the advice of the Council I went to Albany in the Spring, where I found great disorder, the people discontented and all the ffortificacōns out of repair; the Indians weary of the Warr and all the Outsettlements forsaken; for remedy whereof I did reinforce Schenectady with thirty men, and guarrisoned the half-Moon with fourty men more. I found it likewise necessary that there should be a guarrison at Connestaguioena, but could not effect it for want of men, the two hundred agreed on by Act of Assembly falling short neer fifty of their Complement, soe that place tho' of as great import as any now wholly deserted; in my negotiations with the Indians I found them very difficult and much inclined to a peace; however with great industry I have reclaimed them and doubt not but have made them firm and steddy to us untill wee have direccōns from England, as you will perceive by their propositions now ordered for yor perusall. This Expedicōn hath cost neer 1000£ and there not being money in the publick coffers, was forced as the Councill and you advised, to raise the sume of neer 800£ at tenn ℔ Cent Interest. I must therefore, Gentl^n remind you of yor Promise and recommend to your Care the setling of a fund for the speedy defraying of this Charge, that our Creditt may be preserved, for if you should now either fail or be dilatory in yor promise, It would prejudice our reputacōn forever.

Gentl. I am sorry to tell you that the Lawes you have made for the Security of the Province are soe little reguarded by the people, that of all the money that you have raised there has not yet been payd above £1625.16^s and the Pay of the fforces actually employed in the service doth amount to £3500. This matter, Gentl. I must earnestly recommend to your diligent consideracōn, for it will be a vain thing to make Laws if they cannot be effectually Executed. A Law without Execucōn is like a body without a Soul, and it is likewise Impossible for me to secure the ffrontiers if there be noe money to pay the Souldiers you appoint for that service. I have heitherto with advice of the Council borrowed money for that purpose that the reputacōn of the Government might not sinck, Expecting that the Levyes would come in for the reimburseing of it, but that now failing, am afraid shall not have the like Creditt for the future. Therefore, Gentl. as it is the people that are defective herein and as you are their Representatives you will doe well to make strict inquiry into the Cause of such neglect, for we are the first Government that ever had an Assembly of the people and had their Laws thus disesteemed.

Gentl. I have many things further to recommend to your consideracōn, but am afraid you will not have time this Sessions to Accomplish them; shall therefore only Confine myselfe to that only necessary, the securing the frontiers at Albany. You are not insensible that the levyes you appointed for that service Expires upon the first of October next and how advantagious it is for yo^rselves aswell as for all their Matyes Subjects in our neighbouring Plantacōns, that that place should be well secured. I need not tell you I am of Opinion that there must be at least 300 men to secure it this winter. I hope therefore you will take effectuall Care to make such suitable provision for the securing the ffrontiers that the seat of the Warr may continue remott

from us and that there may be noe more disappointments in what you intend, but what proposed by you effectually Executed according to your Intent; the Charge of the 300 men will amount neer 3500£.

Gentl. I must also minde you that upon strict Examinacōn and inquiry the debts of the Government upon the 25th of March past (all the Revenue Expended) doe amount to 3000£.

Gentl. I have found you always ready to joyn with me in things needfull for their Matyes Service, soe that I hope I shall not need to use any arguments to persuade you to provide for those sumes and despatch those matters soe necessary for yor own preservacōn.

Adjourned till thursday the first of September, 1692.

At a Council held at Newyorke the first of September, 1692.

PRESENT— *His Excell* BENJ FFLETCHER, Govern^r^ &c.,

FFRED PHILLIPS, STEPH COURTLANDT, WILLIAM SMITH, GAB MONVIELE, CHIDLEY BROOKE, } Esqrs.

WILLIAM NICOLLS, THOMAS WILLETT, JOHN LAURENCE, 3 NICOLAS BAYARD, } Esqrs. serè venit.

His Excell being informed that the Assembly was sitting to provide for the frontiers against next winter, proposed to speak to the Representatives.

Ordered, William Nicolls Esqr doe waite upon the house of Representatives to give them notice of His Excell^s^ inclinations to speak with them and that he expected their presence forthwith.

The whole house of Representatives accompanying James Graham Esqr their Speaker, attended His Excell in Council to waite his commands. His Excell gave them to understand that forasmuch as the Defence of the frontiers at Albany (which is the matter of greatest import already laid before them and under their Consideracōn his late arriveall And the pressing Consideracōn of a speedy Expedicōn did Oblige them to urge their despatch of that affair and that they would inquire into the Causes of the decay of trade and the poverty of the people to finde out some suitable remedy; That he understood there were severall sumes of money taken up upon the Creditt of the Government at the Interest of tenne ℔ Cent which is an Extraordinary interest and soon out doe the principle; That they would therefore consider of the speedy payment thereof and of a supply for the fortifying and securing of our ffrontiers which he is informed are almost quit ruinated; Professing his Readynesse to assist them in the face of the greatest danger in anything to his power that might tend to their Maties interest and the welfare of this their Province and the Inhabitants thereof.

The Council adjourned till fryday the 2^d^ of September, 1692.

At A Council held at ffort William Henry, the 2^d^ of September, 1692.

PRESENT — *His Excellency* BENJ FFLETCHER, Govern^r^ &c.,

FFRED PHILLIPS, NICH BAYARD, WILL SMITH, GAB MONVIELE, } Esqrs.

CHIDLEY BROOKE, WILLIAM NICOLLS, THOMAS WILLETT, JOHN LAURENCE, } Esqrs.

His Excell did Offer that Whereas he did understand some scruples are moved in the house of Representatives whether being called by the late Governour Sloughter (His Excell being arrived as another Govern^r^ from their Maties) they are a lawfull Assembly and the Debates thereupon did Impede the Expediting of other affairs of moment before them for their Matys service;

Desiring the advice and Resolution of this board therein,

Resolved, Nemine contradicente, that this Assembly being continued from time to time by severall adjournments and Prorogations is now a lawfull Assembly.

Ordered, that William Nicolls Esqr doe wait upon the house of Representatives to acquaint them of the Resolve of his Excell & the whole Council concerning the lawfulnesse of the present Assembly, and to Exhort them to admitt of noe loss of time in their Matye affairs.

His Exellency did likewise offer the draft of An Act against Privateers & Pirats recommended unto him by their Maties, in order to be Enacted by the Assembly of this Province; which was approved and Ordered to be delivered by the said William Nicolls Esqr to the Speaker for the Assent of the house of Representatives.

Adjourned till tuesday the 6th following.

At A Council held at ffort William Henry, the sixth of September, 1692.

PRESENT— *His Excell* BENJ FFLETCHER &c.,

FFRED PHILLIPS, STEPH COURTLANDT, NICH BAYARD, GAB MONVIELE, CHID BROOKE, } Esqrs.

WILL NICOLLS, THOMAS WILLETT, THOMAS JOHNSON, JOHN LAURENCE, } Esqrs.

The house of Representatives, James Graham Speaker, presented their Address to His Excell, vizt:

To HIS EXCELLENCY,

By order of the house of Representatives for the Province of Newyorke,

The humble Address of the house of Representatives.

May it please Yo^r Excellency,

Wee their Matyes most loyall Subjects the Representatives convened in Generall Assembly doe with all humility, cheerfulnesse and true affection, Congratulate Yo^r Excell^s arriveall in this Yo^r Government And wee doe, with all submission, give Our sincere acknowledgements to our most gracious God for the preserving Yo^r Excell in the many hazards to which Yo^r Excell was Exposed in Yo^r late voyage and as we have received so large a testimony of Yo^r Excell good intentions for the good of this Government soe we cannot but with all dutifullnesse Declare that We will to the Outmost of our Capacitys Concurr with Yo^r Excell in all things that may be needfull for their Matyes service.

May it further please Yo^r Excellency

We are truely greived that in soe bright a day as yor Excellency's appearance amongst us, Wee are constrained to cloud it with acquainting yor Excell that the present state of this Province is unhappily circumstanced being Engaged in an Expensive Warr at a time when the Revenue is Exhausted, the Government considerably indebted and the Levyes lately made necessary for the Defence of the Province unpayed, the people much impoverished by the late disorders and many of them soe Debauched in their affeccōns to their Matys Government that in lieu of being helpfull they have rather contrived to disturb it, all which has reduced us to such a posture as that Wee are not able to Expresse soe sensibly as we ought that gratitude we ow yor Excell for accepting their Matys favour of Governing us, but, May it please Yo^r Excell, since you come with hailing under yor wing and soe well stored with your Matys grace and mercy to the late disturbers of Our peace & tranquillity, We doe not in the least doubt but it will have an Effect answerable to its meritt and influence all the malecontents soe farr as to make them forsake their disobedience and returne unto their dutyes and heartily unite and joyne with us in the support of Yo^r Excell in this their Matys Government. And we doe now give Yo^r Excell full assurance that as we have alwayes manifested Our sincere affections unto their Matys true interests by Our Vnanimous assent to all things recommended to us for their Matys service, soe that we will not now fail but with Our lives and fortunes Support Yo^r Excell Administracōn of this their Matys Government over us, and We doe not in the least doubt since it hath pleased their Matys to have such reguard to us as to Establish Yo^r Excell soe eminent in their service for Yo^r courage, prudence and Conduct, but to defeate all the designs of Our Enemyes and have this Government reduced to such quiet by Yo^r Excell^s prudent management as that from henceforth We Shall date the Prosperity of this Province from the day of Yo^r Excell^s arriveall. And

May it Please Yo^r Excell

We the Representatives are so sensible thereof that We become humble suitors unto the Gentl. of the Councills that they would be pleased to appoint some of their board to Conferr with some of Our house to Addresse their Matys with Our most humble acknowledgements and hearty thankfullnesse for their most gracious favour in placing a person at the helme of their Government here that is truly indued with Excellent moralls and other Innumerable virtues, And We shall Continually make Our Supplicacōns unto the most High God, by whom Kings Reigne and Princes decree Justice, for the long preservacōn of their Matys lives and Reigne Over us And that Yo^r Excell may live long in all prosperity and happinesse and rule and Governe this people to the Glory of God, the honour of their Matys and to Yo^r Excell Eternall renown.

By ord^r of the house of Representatives,

JA: GRAHAM, Speaker.

Ordered, that Col^r Bayard and Willm Nicolls Esqr be a Committe of this board to joyne a Committe of the Representatives thereunto to be appointed to Concerte of drawing an Addresse to their Matys with all Expedicōn.

Ordered, that Thomas Willett Esqr doe acquaint the house of Representatives of the Committe appointed and desire them to appoint their Committe accordingly.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 7th of September, 1692.

PRESENT— *His Excell* BENJ FLETCHER,

FFRED PHILLIPS, NICH BAYARD, GAB MONVIELE, CHID BROOKE, } Esqrs.

WILLIAM NICOLLS, THO WILLETT, THO JOHNSON, JOHN LAURENCE. } Esqrs.

Vpon reading a messuage from the house of Representatives whereby they desired to have the Bill for Probate of Wills and the Table of fees to be passed,

The Table of fees and Bill for Probate of Wills were read the first time.

Ordered, that Col Courtlandt, Col Bayard and William Nicolls Esqr be a Committe to Examine the Table of fees and make such alteracōns as they shall judge propper, of which they are to make report friday morning.

Maj^r Pell, Col Pierson, Mr. Robinson, Mr. Van Schayck, Capt Courtlandt & Capt Demyre from the house of Representatives did notifye that they are appointed a Committe of the house of Representatives to joyne the Committe of the Councill to Concerte of an Addresse to their Matys.

Adjourned till Eight a Clock morrow morning.

At A Council held at ffort William Henry, the Eighth of September 1692.

PRESENT— *His Excell* BENJ. FLETCHER &c.,

FFRED PHILLIPS, STEPH COURTLANDT, NICH BAYARD, GAB MONVIELE, CHIDLEY BROOKE, } Esqrs.

WILL^m NICOLLS, THO WILLETT, THO JOHNSON, JOHN LAURENCE, } Esqrs.

The Bill for the raising of two hundred and twenty men,

Ordered, to be read the second and third time.

The Bill for the Raising & paying of Eighty men in the Countyes of Vlster & Dutchesse Countyes,

Ordered, to be read three times And assented unto by the Governour & Council with this additionall amendment vizt (And be it further Enacted by the authority aforesd, that if any Officer or Officers Civil or military within the said Countyes shall neglect, refuse or delay to performe and Execute the severall and respective Articles and Clauses of this Act according to the true intent and meaning thereof, shall be lyable to such penaltyes respectively as are in Case of such refusall, neglect or delay, Provided in the Other Act of this Sessions of Assembly, intituled, An Act for the raising and paying of two hundred and twenty men &c.

Ordered, the Bill concerning the Probate of Wills and Table of ffees, be layd aside.

Col Pierson &c from the house of Representatives delivered a messuage wherein they alleage they have performed those affairs that are most necessary before their Consideracōn & desire to be dismissed.

Ordered, Col Willet and John Laurence Esqr doe attend the house of Representatives to acquaint them of the assent of his Excell & Councill to the Bill for Eighty men from Vlster and Dutchesse Countyes, with the minute of addicōns annexed;

And that they alsoe doe recommend to them the care of providing for the payment of the arreages of the former taxes, to preserve the Creditt of the Government and for a present subsistance for the 220 men with the payment of the debts of the Government.

The Bill agst Pirates and Privateers Ordered to be read the first time.

Adjourned till morrow morning.

At A Councill held at ffort William Henry, the 9th of September 1692.

PRESENT— *His Excell* BENJ FLETCHER &c

FFRED PHILLIPS, STEPH COURTLANDT, NICH BAYARD, GAB MONVIELE, CHID BROOKE, } Esqrs.

WILLIAM NICOLLS, THOMAS WILLETT, THOMAS JOHNSON, JOHN LAURENCE, } Esqrs.

Resolved, Nemine contradicente, that it is requisite His Excellency doe dissolve this Assembly And that writs issue forthwith for the Eleccōn of New Burgesses upon their agreement to the Bills now before them for the Defence of the frontiers at Albany this following winter.

Ordered, the Bill agst Pirates and Privateers be read the second and third time.

The Bill against Pirates and Privateers being three times read, is assented unto by the Governour and Councill, without amendment.

Maj^r Beckman &c presented an Addresse from the house of Representatives to the Govern^r & Councill, vizt

House of Representatives for the Province of New Yorke,
Die Veneris, A. M. 7 ^ber 9th 1692.

To His EXCELL & COUNCIL,

The humble Addresse of the house of Representatives Convened in Generall Assembly.

The Representatives being sensible of the great inconveniencyes that have happened to the Governm^t through the neglect that hath been in the Collecting and paying the Levyes lately made for the reinforcement of the ffrontiers of this Province at Albany, whereby the reputacōn of the Govrnment hath suffered and those Subjects employed in the service much discouraged, doe therefore think it needfull and humbly pray that His Excell would forthwith issue out his Warrants to the respective Justices of Each respective County within this Province that they doe order the Respective Collectors of each Respective County to pay unto their Matys Receiver Generall all the arrearages of the Levyes appointed as aforesaid at such a Certain day which his Excellency shall appoint and upon default thereof to Cause and Execute with the uttermost severity all the penaltyes appointed by the respective Acts of Assembly.

Ordered, that Capt Whitehead, Capt Stillwell and Maj^r Beeckman cary up this Addresse to His Excell & Councill and acquaint them that upon the report of a Committe of this house appointed to examine the arrearages of the Levyes the defects that have been therein and the incidentall Charges thereof, they doe finde when the arrearages are duely payd to their Matys Receiver Generall there will be, after the Officers and Soldiers are payd that have been effectually employed in the reinforcement of Albany, and the incidentall Charges thereof, a surplusage of 925^l 2^s 11¼^d Which this house humbly pray may be appropriated and payd to such persons as have advanced money for the defraying the Charge of the late Expedicōn to Albany.

By order of the house of Representatives,
JA: GRAHAM, Speaker.

Vpon the reading of the above Address,

Ordered, that Warrants be prepared accordingly and that the 29th of September instant be assigned for the payment of the sd arrearges And that the surplusage of £925: 2^s: 11¼^d be appropriated for the defraying of the Charge of the late Expedicōn to Albany.

Capt Howell, Mr Robinson & Capt Demyre presented the answer of the house of Representatives to the messuage by Coll Willett & John Laurence Esqr of the eighth instant vizt

House of Representatives for the Province of New Yorke,
Die Veneris A. M. 7^ber 9th 1692.

Vpon reading a messuage brought by Col Willett & Mr Laurence from his Excellency &^r Councill,

Ordered, that Capt Howell, Mr Robinson & Capt Demyre doe waite upon the Governour & Councill & acquaint them that this house, pursuant to his Excellencyes directions, had taken Effectuall Care that the arrearages of the Levyes should be forthwith collected which doe amount to the sume of 3374£ and that they had alsoe Ordered a tax to be levyed for the reinforcement and security of Albany which with the Charge of the County of Vlster does amount to the sume of 3260£ both which sumes in the whole amount to the sume of 6634£.

the arrearages in probability must be payd in a month and the residue by the first of Aprill next which is thought to be as great a burthen as the inhabitants at this juncture are well able to bear, soe are not capable at this time to make any more levyes for the defraying of the other debts of the Government. And it is likewise thought, that if there were an additionall duty now established upon trade the season of the winter being soe neer that it would freighten away the few vessells we expect and thereby lessen the revenue rather than advance it, but that in due time the debts of the Government may be duely paid, We humbly pray they would appoint Auditors to inspect the proper and just debts of the Government and make a true and perfect state thereof, that in the next Assembly there may be a fund Established for the payment of them and that there be a Computacōn of the necessary Charge of the Government likewise stated, that the Certaine Income of the Revenue may not for the future be Exhausted, and also that there may be a Certain method for the equall & proporcōnable assessing of subsidies, We doe pray that His Excell would appoint Commicōners in each respective County for the making an Estimate of their Estates, that for the future there may not be such uncertaintyes; And this house is further of Opinion that we being now under a regular settlement by their Maties authority to his Excell, that there will not be Occacōn for the raising a Creditt or fund for subsisting the 220 men in reguard there is already the Creditt of the whole Province ingaged for it by that Act which if duly executed, as we doe not in the least doubt being now under his Excellencyes Care, will sufficiently answer any person or persons that does undertake the subsisting of the 220 men aforesd.

By ordr of ye house of Representatives,

Ja: Graham, Speaker.

His Excell & Council doe Agree to the severall propositions made by the house of Representatives.

Ordered, William Nicolls Esqr from this board doe desire the house of Representatives to Expedite the bills before them in order to attend His Excell and Councill this afternoon and acquaint them that this board hath agreed to their severall propositions, that His Excell will issue Warrts to the Justices for the paymt of the arrearages, will take care to have a list of the debts of the Government and of the Charge thereof annually, and by the advice of the Councill appoint Commicōners for the making an Estimate of Estates in the severall Countyes accordingly.

Adjourned till three of the Clock afternoon.

Afternoon.

Present— *His Excell* Benj ffletcher &c.,

ffred Phillips, Steph Courtlandt, Gab Monviele, } Esqrs.

Chid Brooke, Tho Johnson, John Laurence, } Esqrs.

The House of Representatives returned the three bills praying they may be Enacted under his Excell hand as usuall.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 10*th of September* 1692.

Present— *His Excell* Benj Fletcher &c.,

ffred Phillips, Steph Courtlandt, Nich Bayard, Chid Brooke, } Esqrs.

Tho Willet, Tho Johnson, John Laurence, } Esqrs.

His Excell signed the three bills and ordered them to be Enrolled as usuall.

Ordered, Thomas Johnson Esq. doe Desire the Representatives to attend His Excell in Councill.

His Excell being attended with the Assembly and Mayor & Aldermen, proceeded to the Citty hall to publish the Acts of this Sessions of Assembly.

Adjourned till 2 a clock afternoone.

Postmeridiem.

PRESENT— *His Excell* BENJ FFLETCHER &c,

STEPH COURTLANDT,	Esqrs.	WILL^m NICOLLS,	Esqrs.
NICH BAYARD,		THO WILLET,	
CHID BROOKE,		JOHN LAURENCE,	

His Excell prorogued the Assembly to the fourteenth of this instant and Ordered that Col Willet and John Laurence Esqr doe acquaint the house of Representatives that his Excell hath prorogued the Assembly to the fourteenth of this instant September.

[New York Col. MSS. XXXVIII., 195.]

WILLIAM *and* MARY *by the Grace of* GOD, *of England, Scottland, ffrance and Ireland* KING *&* QUEEN, *Defenders of the faith, &c.*

To all Our Loving Subjects the ffreeholders and Inhabitants of our Province of NEW YORK and the Territoryes Depending thereon in America—

GREETING:

A PROCLAMATION.

WHEREAS by Our writts of the 21th day of March in the third year of Our Reigne, Wee did call a General Assembly of the Inhabitants being ffreeholders within this Province which hath been continued from time to time by severall Adjournments & Prorogations untill this day; And WHEREAS the Representatives of the severall Cittyes & Countyes throughout this Province have prayed to be dismissed, Wee being given to understand by His Excellency BENJAMIN FFLETCHER Esq Our Captain Generall & Governour & the Council of Our said Province that it will be for the greater ease & benefite of Our said Subjects that there be a new Assembly & a more free choice of Representatives to Assist Our said Captain Generall & Governour & Council in a Generall Assembly for this Province, have hereby *dissolved* the present Assembly And the present Assembly is hereby DISSOLVED from henceforth, Any former adjournment & prorogation by our s^d Capt. Gener^l with the advice of Our Council afores^d notwithstanding.

IN TESTIMONY WHEREOF, We have Caused the Seal of Our Province aforesaid to be hereunto affixed: *Wittness*, BENJAMIN FFLETCHER Esq. Our Captain Generall & Governour in Cheife of Our Province of N. Yorke aforesaid at ffort WILLIAM HENRY this 13th day of September, In the fourth year of Our Reigne, Annoq Domini 1692.

M. CLARKSON.

SECOND ASSEMBLY: 1st SESSIONS.

His Excell by and with the advice and Consent of the Councill having issued out Writts for a choice of Representatives returnable the 24th of October, 1692, on the 26th instant there being a full house the Council mett.

At A Council held at ffort William Henry the 26th of October 1692.

PRESENT *His Excell* BENJ FFLETCHER &c,

STEPH COURTLANDT, NICH BAYARD, WILL SMITH, GAB MONVIELE, CHID BROOKE, } Esqrs.

THO WILLETT, JOHN LAURENCE, PETER SCHUYLER, CALEB HEATHCOTE, } Esqrs.

The Representatives returned from the severall Countyes waiting vpon His Excell & Council to acquaint them that they were a full house and by Commicōn under the seal of the Province have the Oaths and Test Administred, which they have performed, now Desired to Choose their Speaker after which his Excell was ready to Offer what he judged worthy and propper for their Consideracōn.

The house of Representatives returned and by James Graham Esqr their Speaker, Desired to have their former rights, priviledges and Customes confirmed unto them in these words, vizt:

House of Representatives for the Province of Newyorke.
Die Mercurij Octo^{r} 26th 1692, A. M.

Ordered, that the Speaker Address his Excell & Councill in behalfe of this house, And demand that their former rights priviledges & Customs may be Confirmed to them.

Impris: That none of the members nor their servants may be arrested during the Sessions of Assembly.

That they may have freedom of accesse to his Excell & Councill when Occacōn presents.

That they may have liberty of speech and a favourable Construccōn made of all debates that may arise among them.

And for the removeall of all misunderstandings, when need shall require, that a Committe of the Councill may be appointed to joyne with a Committe of this house to Conferr of what matter may occurr in Generall Assembly,

And pray that these their demands may be approved by his Excell and Council & Entered in their Council booke

By ord^{r} of the house of Representatives
JA: GRAHAM, Speaker.

All which are granted After which His Excell did deliver in writeing what he had to offer to them recommending the same to their Care as being matters which could not Escape their own private knowledge in the following words, vizt:

BENJAMIN FLETCHER, Captain Generall & Govern^{r} in Cheife of the Province of Newyorke and the Territoryes Depending thereon in America & Vice Admirall of the same.

To the Representatives assembled together for that Province at the Citty of Newyorke, October the 24th 1692.

Gentlemen,

You are convened here by their Matys writt to Consult and advise of such propper methods as may be effectuall for their Matys service in the Comōn defence of this Province in which the security of your own persons and property being equally concerned I shall need but few arguments to prevaile upon you in a speedy despatch of those things which may conduce to both the season of the year and your own desires of spending the sharpness of the winter with yor familyes, I hope will quicken you to a despatch of such things as are laid before you.

And first: That We may the better hope for a blessing from Almighty God I recommend to yor Care that provision be made for the support and Encouragement of an able Ministry and for the strict and due Observation of the Lords day.

In the next place, I desire you'le look into the debts of the Government and consider of a fund for the payment of them, which being done I shall take care to prevent any future incumbrance during my administracōn.

The necessary support of the Government I recommend to your thoughts in this time of Warr, none of you being ignorant that the Indians in our alliance must be supplyed with arms ammunicōn and other presents.

I have visited the ffrontiers and put them into some posture of defence for this present winter, and am required by their Maties to build fforts at Albany, Schenectady and such other places as I shall see convenient which being once well done will ease the annuall Charge of posting militia there.

I am informed the Revenue settled upon their present Matyes determins in Aprill next; I hope you will not be wanting in the Expression of yor Loyalty & affection to their Matyes who are of the same religion with Our selves, but rather outdoe what former Assemblyes have done.

The settlement of Our Courts of Judicature with the Sallarys of the Judges doe alsoe shortly Expire; Justice and the due Administracōn of the Laws is the life of Government; you'l consider the Continuacōn of that Act in relacōn to Courts of Justice with a propper support for the Judges as an advantage to yor selves and alsoe the Subjects of this Province.

I will not Question your true zeal for their Matyes service and your own welfare; I cannot think of more Effectuall wayes to answer both those ends than by unity and concord among us, burying all heats and animosityes in the grave of Oblivion. And if you can think of any Act by which your proppertyes and libertyes may be better secured, you shall finde a ready concurrance in me for yor satisfaccōn and the publick good in which I shall never mix my own private interest. And soe, Gentlemen, I wish a happy Agreement amongst you for their Maties service Yo^r own prosperity and the Comōn safety.

BENJ: FFLETCHER.

It is agreed that it be recommended to the house of Representatives forthwith to prepare a Bill for the better detaching of the militia for Albany, as Occacōn, with some smart penaltyes upon absconders and other defaulters in that behalfe with respect aswell to the 220 raised by the late Act of Assembly, intituled, An Act for the raising and paying of 220 men with their propper Officers &c. as to future levyes for their Matyes Service.

Ordered, Maj^r Schuyler & Col Heathcote doe deliver this messuage to the house accordingly.

Adjourned till Saturday the 29th instant Octo^r.

At A Councill held at ffort William Henry, the 29th of October, 1692.

PRESENT — *His Excell* BENJ FLETCHER &c,

STEPH COURTLANDT, NICH BAYARD, WILL SMITH, GAB MONVIELE, } Esqrs.

CHID BROOKE, THO JOHNSON, JOHN LAURENCE, } Esqrs.

Col Hamilton having presented some proposalls concerning a Post Office to be Erected & Established throughout their Matyes Territoryes upon the Main of America for such accomadacōns as may relate unto this Province, the same were read, and His Excell produced her Matyes Letter to His Excell for his assisting Col Hamilton in the settling of the said Office.

The proposalls are approved of.

Ordered, the said Proposalls be recommended to the Representatives to prepare a Bill accordingly, Provided the Excise of the Citty of Newyorke be noe wayes infreinged.

Vpon the reading & perusall of a list of the Debts of the Government amounting to 7890£ 18s 1½, And a Scheme of the annuall charge of the Government with some present speciall needfull charge, the same is ordered to be recommended to the Representatives for their Consideracōn.

Col Courtlandt and Col Bayard are appointed to Deliver the proposalls concerning the Post Office, the list of debts, and Scheme of the annuall Charge of the Government &c, Recommended as above to the house of Representatives.

Adjourned till Munday the 31th instant.

At A Council held at ffort William Henry, the 31th of October, 1692.

PRESENT — *His Excell* BENJ FFLETCHER &c,

STEPH. COURTLANDT, NICH. BAYARD, WILL. SMITH, GAB. MONVIELE, } Esqrs.
CHID. BROOKE, WILLm NICOLLS, JOHN LAURENCE, } Esqrs.

The Confirming of the rules & ordrs of the Weighhouse by Act of Assembly under debate, differred till further consideracōn.

Ordered, the Clerke of the Councill draw a Bill for the same.

Adjourned till tuesday the first of Novemr 1692.

At A Council held at ffort William Henry the first of November, 1692

PRESENT — *His Excellency* BENJ FFLETCHER &c,

STEPHEN COURTLANDT, NICHOLAS BAYARD, WILLIAM SMITH, } Esqrs.
GAB. MONVIELE, CHID. BROOKE, JOHN LAURENCE, } Esqrs.

Mr Kipp & Mr Wessells from the house of Representatives did report that their house had Ordered John Robinson, Jacobus Courtlandt, Dirck Wessells, Levinus Van Schayck and Jacobus Kip, or any three of them, to be a Committe of their house to joyne a Committe of the Councill to be appointed for Expediting the discovery of the Debts of the Government, so that they may make report thereof to-morrow by Eight of the Clock before noon, and Desire the Governr & Council to appoint a Committe accordingly.

This messuage is approved of, and

Ordered, that Col Courtlandt and Chidley Brooke Esqr be a Committe of this board to joyne the Committe of Representatives for the Expediting the true state of the Debts of the Government accordingly.

Adjourned till morrow morning.

At A Council held at ffort William Henry the 2d of Novemr, 1692.

PRESENT — *His Excell* BENJ FFLETCHER &c.,

FFRED. PHILLIPS, STEPH. COURTLANDT, NICH. BAYARD, WILL. SMITH, } Esqrs.
GAB. MONVIELE, CHID. BROOKE, JOHN LAURENCE, } Esqrs.

Pursuant to an order of Councill yesterday, Col Courtlandt Reports that they could not come to an exact state of the debts of the Government at this time, but by the nearest Computacōn, they found the Debts of the Government to amount to the sume of four thousand, eight hundred and fifty pounds, having stated the severall articles contained in the list of Debts in manner following vizt

£2568: 1: 3	Wee finde the first Article of the debts may be lessened 600£ in respect that the nett produce of the Revenue from the 25th of March last to this day surmounts the ordinary Charge of the Governmt 600£, which being deducted rest	£1968: 1: 3
£713: 17: 5	The second article of 713: 17: 5 will be payd by the surplusages of the three first taxes.	
£2463: 3: 7¾	That the third articles of 2463: 3: 7¾ ought to be diminished 30£ for soe much payd by Plowman the late Collr to Ensigne Russell	£2433: 3: 7
£1105: 2: 3	We leave the fourth article of 1105: 2: 3 Expended at Albany to be inspected into by the house for the particulars	£1105: 2: 3
£74: 8: 0	Wee finde that £74: 8: 0 is allowed to Mr Wessells for his services by her Matye	£74: 8: 0

£404: 7: 6	That the £404: 7: 6 is due from the Sheriffs of Long Island, soe not to be allowed upon the Government	
£74: 8: 0	That there was p^d^ to Maj^r^ Magregere for his journey to Canida 20£ by Coll^r^ Plowman soe there rests due to him...	£54: 8: 0
£351: 10: 0	That the Eighth article of £351: 10^s^: levyed upon the Recognizances ordered to be repayed.....	£351: 10: 0
£136: 0: 0	That the money advanced to Mr John Perry is.....	£136: 0: 0
7890: 18: 0		£6122: 13: 1

We finde alsoe that Maj^r^ Richard Ingoldesby hath received out of the Standing Revenue for provision, cloathing &c for their Matyes Souldiers by Computacōn £600: 0: 0

We are informed that East New Jersey will Contribute to the subsistence of this Province. £400: 0: 0

And that Virginia & Maryland have already Contributed to the subsistence of the Province £270: 0: 0

in all amounting to £1270: 0: 0

Which being deducted there will remain to be provided 4852: 13: 1

Vpon the reading a Peticōn of the Representatives of the County of Richmond Complaining that William Britton had taken possession of a lot of land laid out for the Church;

Ordered, that the sd Britton be Summoned to appear before the Councill on the tenth instant, to answer the same.

Vpon Reading a Peticōn of the sd Representatives Complaining that Governour Dongan had Engrossed to himselfe all the Comōns of Staten Island to the impoverishing of the Inhabitants, The Peticōn is referred to the Attorney Generall who is to make report to this board of a propper method to redresse such injury.

Vpon reading Anoy^r^ Peticōn of the sd Representatives setting forth that Mr Tuschemaker having some reall and personall Estate in Staten Island, was killd by the French and Indians at Schenectady and in his life time had promised the sd Estate to the Poor, having noe heirs praying an order for the same; The sd Peticōn is likewise referred to the Attorney Generall who is to report what may be propper therein to be done.

Adjourned till morrow morning.

At A Councill held at ffort William Henry the 3d of November, 1692.

PRESENT— *His Excell* BENJ. FFLETCHER, &c.,

FFRED. PHILIPS, STEPHEN COURTLANDT, NICH. BAYARD, WILL. SMITH, } Esqrs.

GAB. MONVIELE, CHID. BROOKE, JOHN LAURENCE, } Esqrs.

Mr Butler &c, from the house of Representatives presented a messnage from the house with the Bill of the Revenue wherein they give His Excell thanks for the favourable speech and signify their sense of his Excell^s^ great care since his arriveall in securing the frontiers of this Province, which were ordered to be read.

Vpon reading the Bill of the Revenue,

Ordered, Col Courtlandt, Col Bayard, Col Smith and Chidley Brooke Esqr be a Committe of this board to Conferr with a Committe of the Representatives to be appointed this afternoon upon the Bill of the Revenue, and John Laurence Esqr to Signify this ord^r^ and desire the Representatives to appoint their Committe accordingly.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 4th of November, 1692.

PRESENT— *His Excellency* BENJ. FFLETCHER, &c.,

FFRED. PHILIPS, STEPH. COURTLANDT, NICH. BAYARD, WILL. SMITH, } Esqrs.

CHID. BROOKE, THO. WILLET, JOHN LAURENCE, CALEB HEATHCOTE, } Esqrs.

The Committe appointed to Conferr upon the Bill of the Revenue did report unto His Excell, That they were given to understand from some of the Representatives that, forasmuch as they were not made acquainted with the Objections made against the sd Bill, they could not appoint any Committe to conferr thereupon.

Whereupon His Excell was pleased to signify his greatest objection to be, the Revenue being limited to two years, whereas the like had been formerly given to a Roman Catholick Prince forever by an Assembly of this Province, which may be imputed to them as a marke of disrespect to their present Matys.

Mr Van Schaick and Mr Courtlandt from the house of Representatives did deliver a messuage wherein they desire to know the subject matter of the intended conference upon the bill of the Revenue, alleaging it not presidentall that there should be any conference upon whole Bills, the Governour & Councill having alwayes the negative voice to all bills sent up from their house and likewise the priviledge of returning amendments as they think may be necessary, &c.

Whereupon, the bill of the Revenue was ordered to be read a second time And His Excell the Governour & Councill did assent unto the Bill of the Revenue with the following amendments, vizt:

That instead of two years, the Revenue be at least continued for five years.

That instead of the tenn ℔ cent laid on all Indian goods carryed up Hudsons River, the sume of five ℔ cent Over and above the two ℔ cent already granted, be layd on all such goods at their importacōn and the tenn ℔ cent let fall.

That there be One shilling layd upon Every hundred Weight of flower and biskett Exported out of this Province to the neighbouring Plantacōns & Colonyes upon this Main of America;

And that the sume of five ℔ cent be layd on all European goods imported from the neighbouring Plantacōns in America, over and above the duty already granted upon them.

Ordered, Thomas Willett Esqr doe Deliver to the house of Representatives these Amendments of the Bill of the Revenue for their Assent.

Adjourned till munday morning.

At A Council held at ffort William Henry, the 7th of November, 1692.

PRESENT— *His Excell* BENJ. FFLETCHER, &c.,

STEPH. COURTLANDT, WILL. SMITH, GAB. MONVIELE, } Esqrs.

CHIDLEY BROOKE, JOHN LAURENCE, } Esqrs.

Vpon reading the Peticōn of Robt Livingston and the Officers that served in the Expedicōn at Albany in Col Dongan's administracōn, setting forth, that some part of the money raised to defray the Charge thereof is not yet levyed and praying to have the levying of the sd arrearages reinforced by Act of Assembly;

Ordered, the sd Peticōn be Recommended to the Representatives and the said Peticōn is hereby recommended to the house of Representatives for their consideracōn.

Dirck Wessells &c did deliver to this board two Bills vizt

A Bill for settling fairs & mercatts in Each respective Citty & County.

And A Bill for Establishing Courts of Judicature assented unto by the Representatives, for the assent of the Governour & Councill.

Ordered, the Bill for Establishing Courts of Judicature be read the first time.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 8th of November, 1692.

PRESENT— *His Excellency* BENJ FLETCHER,

FFRED. PHILIPS, STEPH. COURTLANDT, NICH. BAYARD, } Esqrs. GAB. MONVIELE, CHID. BROOKE, JOHN LAURENCE, } Esqrs.

Dirck Wessells &c from the house of Representatives, did Deliver A Bill for the supervising Intestates Estates &c. And A Bill for Encouraging a Post Office, assented unto by their house, for the assent of the Governour & Councill.

Ordered, A messuage from the house of Representatives concerning Wampum peag be read.

Vpon reading of the messuage concerning Wampum, Wherein the house of Representatives pray His Excell & Councill that forasmuch as they have daily Complaints from the people of all ranks that there is an obstruccōn to the currancy of Wampum, which is very greivous to the poorer people and in Contempt of a Proclamacōn formerly made for the currancy thereof: His Excell would please to issue forth his Proclamacōn that Wampum may goe curr^t in all payments according to the wayes, value and Customes formerly used.

His Excell and Councill doe Agree to the same *nemine contradicente*, And His Excell doth Order the Attorney Generall to draw up the sd Proclamacōn accordingly.

Ordered, the Bill for the Settling fairs & Mercatts be read the first time.

Ordered, the Bill for Supervising Intestates Estates be read the first time.

Ordered, the Bill for settling Courts of Judicature be read the second time.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 9th of November, 1692.

PRESENT— *His Excellency* BENJ FLETCHER &c.,

NICH. BAYARD, WILL^m SMITH, GAB. MONVIELE, } Esqrs. CHID. BROOKE, JOHN LAURENCE, } Esqrs.

Ordered, A third reading of the Bill for Establishing of Courts of Judicature.

Vpon reading of the Bill for Establishing of Courts of Judicature, the Governour & Council doe assent unto the same with these amendments, vizt:

That for the case benefite and releife of any poor man injured or oppressed by an erroneous or false judgement in the County Courts or Courts of Comōn pleas & Mayor and Aldermen, Appeales be permitted for the smallest sume. The bill to be amended throughout accordingly.

That the Courts of Mayor & Aldermen in the Citty of Newyorke & Albany, shall have noe jurisdiccōn over the Countyes of Newyorke & Albany by virtue of such Office; that Clause therefore to be omitted.

That instead of these words, vizt: for the hearing & determining all Accōns and Cause of accōns arising within the libertyes of the town of Kingstown to the value of five pounds and under (be inserted) granted them in their Charter.

And that the Act for Courts of Judicature shall continue in force for five years or soe long as the Revenue shall be granted.

The house of Representatives having agreed to that amendment of the takeing off the tenn ℔ cent upon Indian goods and merchandizes caryed up Hudsons River and putting five ℔ cent in lieu thereof on all such goods & merchandizes imported to the Province,

Ordered, the sd Bill be read with the amendment.

The house of Representatives having given their Opinion of the other additionall amendments and that of the continuacōn of the Revenue for longer time, vizt: that they are not amendments but require a new bill &c.,

Ordered, Col Bayard, Col Smith & Chidley Brooke Esqr be a Committe of this board to joyne A Committe of the House of Representatives to be appointed to conferr upon the sd Articles and the continuacōn of the Revenue for longer time, this afternoone.

Ordered, John Laurence Esqr doe acquaint the house of Representatives of this Committe, returne the thanks of His Excell & Council for their consenting to that amendment of duty upon Indian goods & merchandizes, and desire them from this board to appoint a Committe of their house to Conferr upon the other amendm^ts & that of the Continuacōn of the Revenue accordingly.

Ordered, John Laurence Esqr doe alsoe deliver the Bill for Establishing Courts of Judicature assented unto by the Governour & Councill with the amendments annexed, for the approbacōn of the house of Representatives.

Adjourned till thursday morning.

At A Councill held at ffort William Henry, the 10th *of November*, 1692.

PRESENT— *His Excellency* BENJ : FLETCHER &c.,

FFRED. PHILLIPS, WILLm SMITH, CHID. BROOKE, } Esqrs.

WILLm NICOLLS, JOHN LAURENCE, } Esqrs.

Ordered, the Bill for settling Intestates Estates be read a second time.

Vpon reading of the Bill for Settling Intestates Estates the Governour & Council doe assent thereunto with this amendmt vizt

That all Wills relating to any Estate within the City & County of Newyorke be proved before the Governour, aswell as those of Orange, Richmond and Kings County or before such person or persons as His Excell the Governr shall delegate.

Ordered, the Bill for setling a Post Office be read a second time.

Vpon reading the Bill for the Post Office, the Governr & Councill doe assent thereunto with the following amendments, vizt:

That the Postmasters in the Countrey be Exempted from Excise and publick services, and the Post Master in Newyorke Citty from publick services only,

And that noe Letters going to or from Long Island be Obleiged to Come into the Post Office.

Mr Butler from the house of Representatives did acquaint His Excell & Council that they had appointed Mr Garton, Mr Courtlandt, Mr Van Schayck, Mr Robinson, Mr Whitehead & himselfe a Committe to joyne the Honoble the Committe of the Council to Conferr of the additionall amendments upon the Bill of the Revenue and the Continuation thereof for longer time.

Ordered, a second reading of the Bill for fairs & mercatts

Adjourned till fryday morning.

Postmerid.

At the meeting of the Committes of both houses at Newyorke:

PRESENT—

Col. BAYARD, Col. SMITH, CHID. BROOKE, Esqr } of the Council.

JOHN BUTLER, LEVINUS VAN SCHAYCK, JACOB COURTLANDT, JOHN ROBINSON, THO. GARTON, DAN. WHITEHEAD, } Gentl of ye Assembly

The Honble The Committe of the Council did offer Col Smith their Chairman.

The Gentl of the Committe of the Representatives did nominate John Butler their Speaker.

Col. SMITH.

Gentlemen,

The first point we are to Conferr of is, the Continuacōn of the Revenue Established upon their Maties for at least five years which in yor Bill you limitt to two.

Will it not seem remarkable that notwithstanding their present Matyes are of Our own Religion, have wrought for us and the Protestant Religion in generall so great a deliverance, that great care they have taken and the Charge they have been at in protecting of the Government by their shipps of warr and otherwise, their maintainance of the two Companyes in guarrison here by their own Coffers in England formerly maintained at the Charge of the Province and the Ordnance and great quantityes of ammunicōn and stores sent hither at their great Charge & Expense for the benefite of this Province, Nevertheless tho' the like revenue was formerly given to K. James for life you doe now limitt the same to two years.

Mr. BUTLER.

May it please yor Honours,

We are not wanting in Our duty to their Matyes nor doe we intend any abridgement to their Matys Revenue, but on the Contrary, We have reguard to the heavy burden and great poverty of the people of this Province who are ready to sinck under it. You are Eye witnesses thereof. Consider the Circumstances of Our neighbours on both sides who are without Government, free of all taxes, dutyes, services, and have gott both Our trade and Inhabitants. Our house is full of the daily Complaints of merchants, who are threatening to follow the rest if trade shall be soe cloggd, whilst our neighbours goe free. We had it under Consideracōn to have found out another method for setling a Revenue upon their Matys & to have easd the merchant &

Trader, but we are in hopes daily of having those neighbouring Colonyes of Connecticutt, the Jerseys, Pennsylvania & New Castle annexed to us as formerly; Which hope is our greatest support. And Wee finde it needfull to Encourage the few Traders that are amongst us with the Expectacōn of having the trade of this Province shortly eased of those burdens, or Our neighbours to bear an equall share with us.

Col. Smith.

Gentlemen

The next thing to be considered is the trade betwixt this and Boston. They draw away Our staple Comoditye of flowr, which they have transported to the Westindies, to the great injury of the trade and navigacōn of this Province. Will it not be convenient to Clogg that trade, by laying one shilling upon every C^t W^t of flowr, to stop their transporting of Our Product to the Westindies.

Mr. Butler.

May it please yor Honours,

The reason of that trade, was Chiefly their want of bread for Consumption at Boston; and it was a profitt to us to Our Certaine knowledge. Wheat at Boston was then 5^s a bushell when sold here for 3^s: 6^d, which is demonstracōn enough that this could not spoil our mercate in the Westindies.

Col. Smith.

Gentlemen,

The last thing We propose is, that 5 ℔ cent be layd upon all European goods imported into this Province from the neighbouring Plantacōns, as a mean between 10 ℔ cent formerly laid (to stopp that trade wholly) and nothing whereby this indirect trade will be sufficiently Cloggd, but soe that we may upon Occacōn be supplyed with such things as they may have whilst we want them.

Mr. Butler.

May it please yor Honours,

We have this or something to this purpose und^r consideracōn for the payment of the debts of the Governm^t, which in convenient time will come before you.

At A Councill held at ffort William Henry, the 11th *of November*, 1692.

Present— *His Excellency* Benj. Fletcher, &c.,

Steph. Courtlandt, Nich. Bayard, Will. Smith, Gab. Monviele, } Esqrs.

Chid. Brooke, Willm Nicolls, John Laurence, Caleb Heathcote, } Esqrs.

Ordered, the Bill of the Revenue be read the third time.

Vpon reading the Bill of the Revenue with the amendment therein agreed to by the house of Representatives, the Governour and Councill doe assent unto the same.

Ordered, the Bill for Encouraging a Post Office be read the third time.

Vpon reading the Bill for Encouraging the Post Office with the amendments agreed to by the house of Representatives, the Governour and Council doe assent unto the same.

Ordered, the Bill for setling fairs & mercats be read the third time.

Vpon reading the Bill for fairs & mercatts, the Governour & Council doe assent unto the same without amendment.

Ordered, the Bill for setling of Intestates Estates be read the third time.

Vpon reading the Bill for setling of Intestates Estates, the Governour & Councill doe assent unto the same without amendment.

Ordered, that John Laurence Esqr doe Report to the house of Representatives that the Governour & Council have assented unto the four beforementioned Bills, with the amendments agreed to by them.

Ordered, that Chidley Brooke their Matyes Coll^r & Rec^r Genl of the Province of Newyorke, and William Nicolls Esqr be present to see the Bill of the Revenue amended according to the true intent & meaning of both houses.

Ordered, the draft of A Bill for Establishing & Confirming the rules and orders of their Matys Weighhouse in the City of Newyorke be Read.

Vpon reading the draft of A Bill for Establishing & Confirming the former rules and orders of their Matys Weigh house,

Resolved, it be forthwith recommended to the house of Representatives for their passing of the same in their house, And Ordered John Laurence Esqr doe Deliver the same; recommended accordingly.

Mr Van Schayck from the house of Representatives returned the Bill for Establishing of Courts of Judicature with the minute of their agreement to that amendment concerning the Jurisdicōn of the Mayor & Aldermen of Newyorke & Albany.

Ordered, the Blanck for limitacōn of time be filled up to two years as in the Bill of the Revenue.

Whereupon the Governour & Councill doe assent unto the sd Bill soe amended.

Mr Robinson &c from the Representatives did present to this board A Bill for the satisfying & paying the Debts of the Government; And A Bill for the granting to their Matyes the rate of one penny ℔ pound &c. to be allowed unto his Excell the Governr for his Care &c.

Ordered the Bill for satisfying & paying the debts of the Government be read first, second and third time.

Vpon reading of the Bill for satisfying & paying the debts of the Government, the Governr & Councill doe assent unto the same with the following amendment viz', to be added: Provided alwayes And it is hereby Enacted by the authority aforesaid, that what moneys or Creditt hath been advanced by any person or persons for the support of their present Matyes Government from the 27th of January 1690. shall be payd before any other former debts of the Government. anything herein conteined to the Contrary thereof in anywise notwithstanding.

Ordered, the Bill for the granting to their Matys the rate of one penny ℔ pound &c be read first, second & third time.

Vpon Reading the Bill for the Granting to their Matyes the rate of One penny ℔ pound &c The Governour & Councill doe assent unto the same without amendment.

Ordered, that Childley Brooke Esqr and William Nicolls Esqr doe Deliver the sd two Bills, and that of the Courts of Judicature to the house of Representatives and to Acquaint them how far the Governour & Council have proceeded in them.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 12th *of November*, 1692.

PRESENT— *His Excellency* BENJ. FLETCHER, &c.,

STEPH. COURTLANDT, NICH. BAYARD, GAB. MONVIELE, } Esqrs.
CHID BROOKE, WILL. NICOLLS, JOHN LAURENCE, } Esqrs.

Vpon Reading a messuage from the Representatives wherein they sett forth the many complaints of the people of greivances, praying a regulation of ffees and that a Committe of the Honoble Council may be appointed to joyne a Committe of the Representatives for that purpose,

His Excell did produce his Instruccōns, wherein he was pleased to Communicate how he is thereby required, by advice and consent of the Councill, to Regulate all sallaryes & ffees belonging to places or payd upon emergeneyes; A copy whereof he did order forthwith for the sd Committe for their perusall.

His Excell by and with the advice & Consent of the Council did agree that for the satisfaccōn of the Subject, there should be a regulacōn of ffees committed to the sd Committe. And

Ordered, Col Courtlandt & William Nicolls Esqr be a Comitte of this board to Joyne a Committe of the Representatives for that purpose to be appointed; and that the Collr & Recr Generall be Admitted to all conferences with his Lres Patents from their Matys and that they be read.

Adjourned till munday morning.

At A Council held at ffort William Henry, the 14th *of November*, 1692.

PRESENT— *His Excell* BENJ FFLETCHER &c.,

FFRED PHILIPS, STEPH. COURTLANDT, NICH. BAYARD, } Esqrs.
GAB. MONVIELE, CHID. BROOKE, JOHN LAURENCE, } Esqrs.

His Excell desired the Advice of this board whether it is more requisite to Adjourn or prorogue the Assembly and what may be the propper and most convenient time for their next meeting.

The Council are humbly of Opinion that it is most requisite to Adjourn the Assembly to Munday the 20th of March now next Ensueing, which they humbly submitt.

His Excell according to the former usage of passing of Bills into Acts in this Province in the presence of this board, did signe these seaven Bills, vizt:

A Bill for the Establishing of Courts of Judicature &c

A Bill for the Encouraging of the Post Office &c

A Bill for the Supervising of Intestate, Estates &c

A Bill for setling of fairs and mercats &c

A Bill for the satisfying & paying the debts of ye Governm^t &c

A Bill Establishing a Revenue upon their Matyes &c

A Bill granting to their Matys the rate of one penny ℔ pound to be allowed unto his Excell, &c

His Excell Adjourned the Assembly till three a clock afternoone; And being attended with the Counsellours & Assemblymen, conducted by the Mayor & Aldermen of N.Yorke, went to the city hall and there heard the severall Acts of this Sessions of Assembly published.

Postmeridiem.

At A Council held at ffort William Henry, the 14th *of November*, 1692.

PRESENT— *His Excell* BENJ FLETCHER &c.

FFRED. PHILIPS, STEP. CORTLANDT, NICH. BAYARD, } Esqrs.

GAB. MONVIELE, CHID. BROOKE, WILL. NICOLLS, JOHN LAURENCE, } Esqrs.

Vpon reading a Certain Request of the Representatives praying His Excellency and Council for an Allowance and order vpon their Matys Coll^r & Rec^r Generall for the sume of sixty pounds to their Speaker for his services to their Matys and the countrey this Sessions of Assembly, in Drawing and forming of their Bills,

It is the Opinion of His Excell & Council that in due time they will take Mr Speaker into their Consideracõn, to reward him for the services he hath done in this Assembly.

His Excell having called the Representatives before him, having had their own opinion Concerning the fittest time of their next meeting and the Opinion of the Councill, did Adjourn this Assembly untill Munday the twentyeth of March now next Ensueing; And the said Assembly is hereby Adjourned accordingly.

THE SECOND SESSIONS.

At a Council held at ffort William Henry, the 20th *of March*, 1692.

PRESENT — *His Excell* BEN: FLETCHER &c.,

FFRED. PHILIPS, STEPH. COURTLANDT, NICH. BAYARD, WILL^m. SMITH, } Esqrs.

GAB. MONVIELE, CHID. BROOKE, JOHN LAURENCE, } Esqrs.

The house of Representatives having signified that they cannot proceed upon businesse, their house not being full,

Adjourned till Wednesday the 22th of March.

At A Council held at ffort William Henry, the 22th *of March*, 1692.

PRESENT — *His Excell* BEN FLETCHER &c.,

FFRED. PHILIPS, STEPH. CORTLANDT, NICH. BAYARD, WILLIAM SMITH, GAB. MONVIELLE, } Esqrs.

CHID. BROOKE, WILLm. NICOLLS, JOHN LAWRENCE, CALEB HEATHCOTE, } Esqrs.

His Excell did order the Clerke of the Council to signify unto the House of Representatives that his Excell did expect their attendance to receive what he had to offer to them for their Maties & the Countreys service.

Mr. Speaker and the Representatives of this Province being present His Excell rose up and said:

Gentlemen,

I am glad to meet you again here for their Maties and the Countreys service.

I remember that in the last sessions of Assembly I did recommend to you the Setling of a Ministry in this Province, that the worship of God may flourish amongst us, without which we cannot but expect a Judgement to follow us and all our undertakings: I doe not understand that you have made one step towards it; therefore recommend it to yor particular care this sessions.

Gentl: I need not to tell you that the french of Canida and their Indians, have made a late attempt upon our ffronteers and of the victory we have obteind over them. Some of you have been in the service whose courage and behaviour is to be commended. I was well pleased to see the forwardnesse of every one to that accōn, and am sorry that the Enemy have gott soe well away. I am informed that the charge of that expedicōn will amount to £600, which I lay before you to provide a fund to defray it.

There is alsoe a necessity of my going to Albany this summer, to preserve that old alliance between us and the Indians of the five Nations or (as they terme it) to renew the Old Covenant chain. The charge of this journey and the presents to be made to the Indians will be 600£ more, which is likewise to be considered.

Gentl: I did formerly recommend to you to provide for the building of a Stone ffort at Albany, and doe now tell you there is a necessity for the doing thereof. A Small regular Fortificacōn of Stone furnished with such Ordnance, and stores of warr as their Maties have sent heither with me, will defend us and all their Maties Provinces & Colonyes on this Maine. Fewer men will be required to mantain the ffronteers and be able to give a stop to the greatest force Canida can send against us, untill we shall have time to bring strength sufficient to beat them, which I beleive we shall never faile of.

If you can therefore propose an Act of Assembly obleiging all sloops going up Hudsons River to Albany to take in some considerable quantity of stones for ballast, to be left at Albany for that use, or any other methods to ease the Charge thereof, I shall be glad of it.

Gentl: Their Maties have a Weighhouse in the city of Newyorke which from time to time hath payd a rent unto their Maties. I would have it settled upon their Maties by Act of Assembly. We are in actuall warr. Our charges are daily growing upon us, must therefore lett nothing fall that can add to the revenue, be it never so small or inconsiderable.

I did Endeavour the last sessions to have the Revenues setled upon their Maties for their lives; but it was not granted. I hope you have better considered thereof, and are sensible of the great care and affeccōn, which their Maties have expressed towards you. They have ordered a man of warr to attend your Coast; sent over 20 ps of Ordnance, small arms and considerable stores of warr, & mantain the two Companyes of Granadeers. at the expense of their Coffers in England; they have devoted the Revenue of the Province wholly to the support of the Government thereof, and have noe other benefite from you but the bare Title.

Gentl: There is one small request to you which I hope will meet with noe opposition, and that is: that the Kings name may live forever amongst you, I would have a bill passe for the calling Long Island the Island of Nassaw.

Gentl: The fusileers at Albany are to be discharged the first of May, which draws neere and we see by daily experience, that the ffrench of Canida by means of these prisoners that are amongst our Indians, have a Constant, sure intelligence of all our stepps. Therefore, I doe recommend it to you, to make such provisions for the ffronteers that the detachments shall not move from them untill they be releived by others.

Gentl: I understand there are great complaints amongst the people that the taxes and Impositions are heavy, which I must confesse; but it is not harder with us than with our brethren in England; nor can we expect it to be otherwise whilst the warr continues. We must therefore bear it with cheerfullness and patience.

Gentl: I am now glad to understand that the feuds and heats that were amongst the people, are at an end. I know noe better remedy for them, nor means to confirme our peace, than a virtuous, pious life and conversation, which I hope every one of you will endeavour in Yo^r^ severall places of Residence; and for my part by the help of God, I shall study to give a good example. These things are what I have to offer at present. I shall be ready to give you any assistance. I leave them before you and begg your dispatch. Soe, Gentlemen, you may return to your house.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 23th of March, 1692.

PRESENT— *His Excell* BEN FLETCHER &c,

FFRED. PHILIPS, STEPH. COURTLANDT, NICH. BAYARD, GAB. MONVIELLE, } Esqrs.

CHID. BROOKE, WILLIAM NICOLLS, JOHN LAWRENCE, CALEB HEATHCOTE, } Esqrs.

Mr Wesells and others from the house of Representative, brought a messuage wherein the house of Representatives doe unanimously returne his Excell thanks for his Care of the ffronteers, and his great dispatch in his personall appearance there, upon the late invasion of the ffrench and Indians, &c.

His Excell did advise them to tell their brethren to lay all private businesse at present aside, to Consider what he had offer'd to them concerning the ffronteers; that the first of May draws neere, and if they doe not provide for new detachments to be ready for their releife, or that the fusileers already there should continue till releife can be sent, the ffronteers may be distroyed. When that provision is made He is ready to concurr to any thing which they can propose for their private benefite.

Adjourned till morrow morning.

March 24th Adjourned till morrow morning.
25th Adjourned till munday morning.
27th Adjourned till tuesday morning.
28th Adjourned till Wednesday morning.
29th Adjourned till thursday morning.

At A Council held at ffort William Henry, the 30th of March, 1693.

PRESENT— *His Excell.* BEN. FLETCHER &c.

FFRED. PHILIPS, STEPH. COURTLANDT, NICH. BAYARD, } Esqrs.

GAB. MONVIELLE, CHIDLEY BROOKE, JOHN LAURENCE, } Esqrs.

A Bill agreed unto by the house of Representatives for the raising of six thousand pounds for three hundred men, to reinforce Albany, was ordered to be read.

Vpon reading the Bill for the raising of six thousand pounds, with the Establishment annexed, It is the opinion of the Governour and Council that the Corporalls ought to have more encouragement than private Centinells equall to their trust and duty as is usuall; That there is need of a City Maj^r^ at Albany with pay to be allowed him which is omitted; that the county of Westchester is overrated in their Quota & proporcōn of the tax.

Ordered, that Coll Courtlandt and Chid. Brooke Esqr doe acquaint the house of Representatives thereof, and by a Committe to concerte with a Committe of the Representatives on these heads.

Adjourned till fryday morning.

At A Council held at ffort William Henry, the 31th *of March*, 1693.

PRESENT— *His Excell* BEN FLETCHER &c.,

STEPH. COURTLANDT, NICH. BAYARD, GAB. MONVIELLE, } Esqrs. CHIDLEY BROOKE, JOHN LAURENCE, } Esqrs.

Coll Courtlandt and Chidley Brooke Esqr made report, that the committes did meet last night, pursueant to order, and did agree that the form of the establishment for paying the Officers to be appointed over the men that shall be raised, be made as his Excell shall think fitt, provided the number of the Effectuall men therein mencōned & intended, doe remaine, And that the Quota of money for the County of Westchester doe remaine as it stands in the Bill.

Adjourned till Saturday morning.

At A Council held at ffort William Henry, the first of Aprill, 1693.

PRESENT— *His Excell* BEN FLETCHER &c.,

STEPH. COURTLANDT, NICH. BAYARD, GAB. MONVIELLE, } Esqrs. CHID. BROOKE, JOHN LAWRENCE, } Esqrs.

His Excell proposed that in the establishment of the four Companyes annexed to the six thousand pound Bill, there should be Established four shill ℔ diem for a Towne Majr at Albany, one chirurgeon at 2s 6d ℔ diem, and a Commissary of the stores and Commissary of the musters to be two distinct persons, at 2s 6d each ℔ diem; which is assented unto by the Council, *nemine contradicente*.

Ordered, the Reading of the £6000 Bill a second time.

Ordered, the Reading of the Bill to call Long Island the Island of Nassau.

The Governour and Council doe agree that it be provided in the said Bill, that from henceforth Long Island be nominated The Island of Nassaw, in all Grants, conveyances, Deeds, writings & Records whatsover within this Province.

Ordered, John Laurence Esqr doe cary this minute of the Bill, to call Long Island Nassaw, for the consent of the house of Representatives to that addition.

Adjourned till munday morning.

At A Council held at ffort William Henry, the 3d *of Aprill*, 1693.

PRESENT— *His Excell* BEN FLETCHER &c.,

STEPHEN COURTLANDT, WILLm SMITH, GAB. MONVIELLE, } Esqrs. CHID. BROOKE, JOHN LAURENCE, } Esqrs.

Ordered, the 6000£ Bill be read the 3d time.

Vpon the reading the Bill for the raising 6000£, the Governour and Council doe assent unto the same.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 4th of Apr., 1693.

PRESENT— *His Excell* BEN. FLETCHER, &c.,

FFRED. PHILLIPS, STEPH. COURTLANDT, NICH. BAYARD, } Esqrs. WILLm SMITH, THO. WILLETT, JOHN LAURENCE, } Esqrs.

Mr Robinson &c brought a messnage from the house of Representatives signifying their house had appointed Mr. Robinson, Capt Courtlandt, Captaine Kip, Majr Wessells and Captaine Van Schaick, a Committe of their house, and desiring His Excell & Council to appoint a

Committe of the Council to joyne them for the plainer ascertaining the debts of the Government that are to be payd by the dutyes raised by Act of Assembly for that purpose, and alsoe for removing the doubts and questions lately risen concerning the meaning of that Act.

His Excell did nominate Coll Courtlandt. Coll Bayard, Chidley Brooke & Willm Nicolls Esqrs A Committe to joyne the Committe of the Representatives for that Intent, which is agreed unto accordingly.

Ordered, that Coll William Smith doe joyne the former Committe, appointed the 12th of November last, for regulating the ffees.

Ordered, the same Committe which is this day appointed to ascertaine the debts of the Government &c, be a Committe to examine into the amount of the Revenue and Expense thereof, since His Excell^{s} arriveall.

Vpon the desire of the house of Representatives to have a Committe appointed by His Excell & Council to joyne with Mr Robinson, Mr Whitehead, Mr Tothill, Mr Burns, Mr Garton and Mr Van Schaick (A Committe of their house), to conferr upon the addition in the Bill to call Long Island, Nassaw,

Ordered, that the Committe appointed for regulating the ffees be a Committe for that conference.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 5th day of Aprill, 1693.

PRESENT— *His Excell* BEN: FLETCHER, &c.,

FFRED. PHILIPS, STEPH. COURTLANDT, NICH. BAYARD, CHID. BROOKE, } Esqrs.
WILL^{m} NICOLLS, THO. WILLET, JOHN LAURENCE, } Esqrs.

Ordered, that Coll Courtlandt, Coll Smith, Chidley Brooke & Willm Nicolls Esqr be a Committe of this board, to joyne a Committe of the Representatives, to concerte about regulating the rules and dutyes of their Maties Weighhouse.

Ordered, Coll Willet doe signify the appointment of this Committe for regulating the rules and dutyes of their Maties Weigh house to the house of Representatives, and desire them to appoint a Committe of their house to meet and concerte thereof this afternoone.

Adjourned until Saturday morning.

At A Council held at ffort William Henry, the 8th of Aprill, 1693.

PRESENT— *His Excell* BEN: FLETCHER, &c.,

FFRED. PHILIPS, STEPH. COURTLANDT, NICH. BAYARD, WILL^{m} SMITH, } Esqrs.
WILL^{m} NICOLLS, JOHN LAURENCE, CALEB HEATHCOTE, } Esqrs.

The Bill for calling Long Island, the Island of Nassaw being three times read, is assented unto by His Excell & Council.

Adjourned till Munday morning.

At A Council held at ffort William Henry the tenth of Aprill, 1693.

PRESENT— *His Excell* BEN: FLETCHER, &c.,

FFRED. PHILIPS, STEPH. COURTLANDT, NICH. BAYARD, } Esqrs.
WILL^{m} SMITH, CHID. BROOKE, JOHN LAURENCE, } Esqrs.

Vpon reading the Bill intituled, A Bill for Establishing the rates of their Maties beam at their weighhouse,

His Excell and Council doe assent unto the rates agreed unto by the Representatives, but forasmuch as his Excell did finde the said Weighhouse in the possession of the Crowne upon arriveall, and that for the ease and benefite of the Inhabitants and Traders to and from this

Province, His Excell hath condescended that the house of Representatives should ascertaine the rates & dutyes thereof, as may be most easy; therefore, cannot agree that it should be limited by the sd Bill to two years.

Ordered, That John Laurence Esqr doe signify to the house of Representatives, that His Excell & Council will Assent unto the sd Bill, provided the last clause of Limitacōns be wholly left out, and desire their assent thereunto, without losse of time.

Adjourned till afternoone.

The tenth of Aprill, 1693. 3 a clock, afternoone.

PRESENTIBUS— *Iisdem.*

The house of Representatives having assented to the taking off of the limitation in the Bill for regulating the Rates of their Maties beam, and the said Bill being three times read,

His Excell & Council doe assent to the sd Bill.

His Excell signed the following Bills, vizt:

The 6000£ Bill for the reinforcem^t of Albany & the ffronteers of their Maties Plantacōns on the Maine of America, for one year next Ensueing.

The Bill to call Long Island, the Island of Nassaw.

The Bill Establishing the rates of their Maties beam in their Weighhouse.

Ordered, the Clerke of the Council doe acquaint Mr Speaker that His Excell in Council did Expect their attendance, in order to an adjournment.

Mr Speaker and the Representatives being present His Excell said:

Gentlemen,

I have received their Maties Commands to travail into Pensilvania, to receive that Province and New Castle under my care and Government, which I hope will be an advantage to this Province, and if our taxes and dutyes for the future be made easier thereby, I shall not value my trouble. I finde it therefore needfull at present, tho' there is but litle done, to adjourne you for some time.

Gentlemen

The first thing that I did recommend to you, at Our last meeting, was to provide for a Ministry; and nothing done in it. There are none of you but what are bigg with the priviledge of Englishmen, and Magna Charta, which is yor right; And the same Law doth provide for the religion of the Church of England, against Sabboth breaking, swearing and all other profanity. But as you have made it last. and postpon'd it this Sessions, I hope you will begiun with it the next meeting, and doe somewhat towards it effectually.

Gentlemen

You have been very cheerfull in passing of the £6000 Bill, for the reinforcing of the ffronteers; for which I returne you thanks, and shall recommend yor care of the fronteers to their Maties. As for the Bill to call Long Island, the Island of Nassaw, It mett with some opposition amongst you; but I beleive it proceeded meerely from ignorance; for the calling of that Island by a new name for the time to come, can noe waves hurt or injure any former grants or conveyances of Lands; I had no other design in proposing of it unto you, than that We might put some marke of our respect upon the best of Kings, which you have granted. I am alsoe thankfull for that.

The third Bill which you have passed. is for their Maties beam at the Weighhouse. I am a stranger to the manner of its being first Established; but informed that it was, by agreement between the English and Dutch, upon the surrender of this Province, continued in force with all the former rules and dutyes thereof. I found it in the Kings possession upon my arriveall, and have condescended that, for the ease and benefite of the Merchants and Inhabitants of the City of Newyorke, you should regulate the ffees and dutyes thereof, as should seeme good; which I am contented to agree unto. But it seemeth strange to me that you should goe about to limite it to two years, being their Maties property; that you have consented to take off the limitacōn, is soe farr well.

Gentlemen

Upon my returne from Pensilvania (God willing), I shall visite Albany and the ffronteers, so that We cannot Expect to meet again in a short time. Doe therefore adjourne till the first of September next, and wish you all safe to your homes.

[In Executive Session.]

At a Council held at ffort William Henry, the 27th *day of July,* 1693.

Present — *His Excell* Ben: ffletcher, &c.,

ffred. Philips,
Steph. Cortlandt,
Nich. Bayard,
Willm Smith,
Gab. Monvielle,
} Esqrs.

Willm Nicolls,
Tho. Willett,
Willm Pinhorne,
John Lawrence,
} Esqrs.

His Excell desired the opinion of this board concerning the present Assembly.

This board are of opinion, *nemine contradicente*, that it ought to be dissolved and advise his Excellency accordingly.

His Excell. with the advice & consent of the Councill doe order that Writts issue for the Election of New Representatives from the severall cittyes and countyes in this Government returnable as usuall the seventh day of September next ensueing.

THE THIRD ASSEMBLY FIRST SESSION.

Province of Newyorke } ss.

At A Council held at ffort William Henry, the 7th of Septr 1693.

PRESENT— *His Excell* BEN. FFLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, GAB. MONVIELLE, } Esqrs.
WILLIAM PINHORNE, JOHN LAURENCE, } Esqrs.

His Excell adjourned the Assembly to the 11th of September instant many of the Representatives not yet come to Towne.

At A Council held at ffort William Henry, the 11th of Septr, 1693, forenoon.

PRESENT— *His Excell* BENJA. FFLETCHER, &c.,

FFRED. PHILIPS, STEPH. CORTLANDT, NICH. BAYARD, } Esqrs.
GAB. MONVIELLE, WILLm PINHORNE, JOHN LAURENCE, } Esqrs.

The Representatives having presented themselves to his Excell & Council His Excell did Acquaint them that he had appointed Coll Cortlandt & Coll Bayard to Administer unto them the oaths & test which did capacitate them to serve in Assembly; then they withdrew.

Adjourned to 2 a clock afternoon.

Postmeridiem.

PRESENTIBUS— *Iisdem.*

Coll Cortlandt & Coll Bayard did return that they have administred the oaths & Test to the Representatives who are present, one of which Representatives upon pretence of conscience refuiseth & two are absent.

Ordered, A Writt issue forthwith for the choice of another Representative to serve in the room of him that refuiseth the oaths.

His Excell bid the Representatives withdraw and make choice of their Speaker which he hoped would not spend much time, told them that when they presented their Speaker he would acquaint them with what he had to offer for their Mats service.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 12th of September, 1693.

PRESENT— *His Excell* BEN: FFLETCHER, &c.,

FFRED. PHILIPS, STEPH. CORTLANDT, NICH. BAYARD, } Esqrs.
WILLIAM PINHORNE, JOHN LAURENCE, } Esqrs.

The Representatives did present James Graham Esqr their Speaker and desired his Excell approbacōn.

The Speaker made a modest apology.

His Excell did approve of their choice.

The Speaker desired the confirmacōn of their antient priviledges giving them in writing & desiring they may be recorded in the Council book: which His Excell did grant & offered to grant them anything else might be for their service which they could think upon and ordered that it should be recorded in the Council book.

House of Representatives for the Province of Newyorke.
Die Lunæ P. M. 7ber 11th 1693.

Ordered, That the Speaker upon his being approved by his Excell doe Addresse his Excell & Council in behalfe of this house and demand that the usuall rights priviledges & customs of this house may be confirmed.

Imprimis That none of the members of this house nor their servants be arrested nor molested during this sessions of Assembly.

2dly That they may have freedom of accesse to his Excell & Council when occacōn requires.

3dly That they may have liberty of speech and a favourable construction made upon all such debates as shall arise amongst them.

Lastly That if any misunderstanding should arise between this honorable board and the house of Representatives that a Committe of the Council may be appointed to Joyne with a Committe of this house to conferr thereupon, that the same may be removed and that this their demands according to former precedents may be approved by his Excell and Council & Entered in the Council books accordingly.

By order of the house of Representatives,

JA: GRAHAM, Speaker.

Then His Excellency spoak saying:

Mr Speaker and you Gentlemen the Representatives of this Province—

I Observe many of you were of the former Assembly Yor knowledge in the affairs of the Government of this Province and methods of Assembly will shorten what I have to say.

I recommended to the former Assembly the setling of an able Ministry that the worship of God may be observed among us for I finde that great & first duty very much neglected; lett us not forgett that there is a God that made us who will protect us if we serve him. This has been alwayes the first thing I have recommended, yet the last in your consideracōn I hope you are all satisfyed of the great necessity and duty that lyes upon you, to doe this as you expect his blessing upon yor labours.

Gentlemen, the next thing I have to lay before you is the settlement of their Mats Revenue in this Province Their Mats are of our own Religion if we are true Protestants, and there are some that have not nor will be wanting in England to make their remarks of yor behaviour in this matter. I am a plain man and have had my educacōn in a camp; I doe not pretend to Rhetorick nor the part of an Oratour. I have seen his present Maty expose his person for Our Religion and liberty as he does at this day; it is inexcusable if we doe not place some marke of our dutyfull respect upon their present Mats. A former Assembly of this Province gave the same revenue (to which there is not added one halfpenny) to King James & his heirs which is forever. Their Maties have never ordered a farthing of it to any other use than the support of Government & defence of the Province and not only soe but have sent over more sums more ammunicōn and greater stores than ever any King before them hath done; beside the payment of the two Companyes out their own Coffers and the great expense in maintaining a guard ship for your defence will certainly call for a gratefull sence from loyall subjects. And for us to pretend to setle the Revenue for two years only, is not what might be expected from subjects under so high obligacōns. If we are true Protestants, we cannot easily forgett the great deliverance we have received when we were even upon the brinck of popery; besides their Maties examples of virtue & piety in their lives with the consideracōn of this mighty deliverance should influence us to some more than ordinary marke of affection and Esteem & to settle the Revenue (which is very easy to every one) upon their Maties for lives (which pray God may be long & prosperous). It is the least testimony we can give them of our thankfullnesse for their care of the Government. I have lately received some further royall marks of their care for the defence of Albany, having ordered a sume of money out their own coffers to that purpose.

Gentlemen, lett not opportunity be given to any person to asperse you with that new coind name of *Jacobites*, but let us show a zeal and good affeccōn for their Mats and their Government which is all my aim & shall be my endeavour.

I have designed a platforme on which I purpose to mount a battery for the defence of this City which is indeed the safety of the Province. I suppose you have all heard how we have bin lately alarm'd with the noise of a squadron of ffrench ships designed to attack this place. I have viewd the river and sounded in severall parts, in order to raise some fortificacōns to impede their accesse to the City, but at length concluded a good battery upon this plateform e would answer the end. I have by their Maties favour unto you gunns for one teere; I have wrote for more and shall be the better enabled to ask them or what else there may be occasion for, when you have showed your respects to their Maties in setling the Revenue upon them for their lives.

There is likewise the Kings Chappell in the ffort which being ready to fall down to the danger of many lives, I thought it convenient to pull it down, and if you will give something towards the rebuilding of it we will all joyne in soe good a work. If his Maty were not engaged in an expensive warr I should not doubt to have orders to rebuild it at his own charge. I leave these things before you for your consideracōn which consists of but three heads; Your duty to God, Your loyalty and affeccōn to the best of Kings, and Your own safety and defence.

Soe, *Gentlemen*, you may withdraw to your house. I pray God direct you to proceed in these things which are most consistant with conscience & honour.

The Representatives made a bow & withdrew.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 13th *of September*, 1693.

PRESENT— *His Excell* BEN. FLETCHER, &c.,

STEPH. CORTLANDT,	Esqrs.	CHID. BROOKE,	Esqrs.
NICH. BAYARD,		WILLm NICOLLS,	
WILLIAM SMITH,		JOHN LAURENCE,	

Resolved, that in case the Representatives doe not proceed to setle the Revenue upon their Maties for their lives, that the Clerk of the Council doe draw up a short Bill for the setling & continuing of the former Bill of the Revenue in all its parts during their Maties lives and that it be sent down to the Representatives for their consent.

His Excell ordered William Pinhorne Esqr to ask of the Representatives if they had any thing ready to offer to His Excell and Council this day and that he desire a copy of their daily minutes & votes be sent up to him every night as formerly.

William Pinhorne returned in answer that they had nothing to offer at present and that their Clerke being demanded for his neglect did Answer, that he was to waite upon His Excell by four a clock afternoon and his Excell being abroad he did keep them, but that he should bring up to his Excell the votes of both days together this evening.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 14th *of September*, 1693.

PRESENT— *His Excell* BEN: FFLETCHER, &c.,

STEPH. CORTLANDT,	Esqrs.	CHID. BROOKE,	Esqrs.
NICH. BAYARD,		WILLIAM NICOLLS,	
WILL. SMITH,		WILLIAM PINHORNE,	
GAB. MONVIELLE,		JOHN YOUNGS,	

It being signifyed that there was nothing in the Assembly to be offered this day to His Excell and Council, His Excell

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 15th *of September*, 1693.

PRESENT— *His Excell* BEN: FFLETCHER, &c,

FFRED. PHILIPS,	Esqrs.	CHID. BROOKE,	Esqrs.
STEPH. CORTLANDT,		WILLIAM NICOLLS,	
NICH. BAYARD,		WILLIAM PINHORNE,	
WILLIAM SMITH,		JOHN YOUNGS,	

Vpon the reading a memoriall given in by Coll Andrew Hamilton *Post Master Generall* of the Maine in America concerning the Post Office wherein is set forth the great charge he is at in mantaining the Office being four times soe much as the profitts arising thereby, praying that in consideracõn of the conveniency of trade & correspondence it may be supported the first three years by a sallary of 100£ ℔ annum,

Resolved, that in consideracõn of the Great ease in saving the charge of publick expresses and of the great advantage of trade it be forthwith recommended to the Assembly for their consideracõn, and it is hereby recommended accordingly.

Mr Tuthill &c presented an Addresse to his Excellency in Council for the Establishing of a ffree port in each county in the Island Nassaw, which His Excell received & told them he would take it into consideracon.

Adjourned till the 20th of Septemr 1693.

At A Council held at ffort William Henry the 20th *of September*, 1693.

PRESENT— *His Excell* BENJAMIN FFLETCHER, &c.,

FFRED. PHILIPS, STEPH. CORTLANDT, NICH. BAYARD, } Esqrs.

CHID. BROOKE, JOHN LAURENCE, JOHN YOUNGS, } Esqrs.

Ordered, Mr Pinhorne doe goe to the house of Representatives and minde them the preciousnesse of time and great charge the country is at; therefore they are desired to dispatch their businesse

Mr Pinhorne returned that the Speaker said they were in readynesse to waite upon his Excell immediatly

Vpon the Peticōn of the ffreeholders of Westchester complaining of the inequality of their Quota of taxes to that of the other Cityes and Countyes of this Province, the same is referred to the Representatives for their consideracōn

Mr Theale &c from the house of Representatives presented A Bill against unlawfull seisures & forfeitures; which was Ordered to be read and was read the first time.

Jacobus Cortlandt &c presented to this board the Bill of the Revenue which was Ordered to be read and was read the first time.

His Excell put it to the vote whether it may be for the benefite or prejudice of this Province to passe the Bill against unlawfull seisures & forfeitures.

The whole Council *nemine contradicente* doe vote that the passing thereof will be to the prejudice of the Countrey

His Excell did put it to the vote whether it should be again recommended to the Assembly to passe the Bill for the continuation of the Revenue for their Maties lives or that it should passe this board as they have returned it for five years longer.

The Council *nemine contradicente* are for having this Bill amended and made for their Maties lives and sent back to the house of Representatives for their consent.

Ordered, Coll Steph Cortlandt, Coll Nich Bayard, Chidley Brooke Esqr, William Nicolls Esqr, & William Pinhorne Esqr, be and they are hereby appointed a Committe to consider of and regulate the table of ffees.

Ordered, Coll Stephen Cortlandt, Coll Nicholas Bayard, Chidley Brooke Esqr, William Pinhorne Esqr, and Coll Caleb Heathcote be a Committe of this board & they are hereby appointed a Committe of this board to Meet a Committe of the house of Representatives to be thereunto appointed to conferr upon the altering the Bill of the Revenue from five years to their Maties for their lives.

Ordered, that Chidley Brooke Esqr doe deliver a copy of the preceeding order to the Representatives and desire from this board that a Committe of Representatives may be appointed to meet the Committe of the Council for that purpose sometime this afternoone

Adjourned till morrow morning.

At A meeting of the Committes of Council & Assembly at the house of Coll Steph Cortlandt in Newyorke the 20th of September 1693 afternoon.

PRESENT—

Coll STEPH. CORTLANDT, Coll NICH. BAYARD, CHID. BROOKE Esqr., WILLIAM PINHORNE, Esqr., Coll CALEB HEATHCOTE, } of the Council.

Coll PIERSON, Mr CORTLANDT, Mr KIP, Mr WESSELLS, Mr JACKSON, Mr STILLWELL, Mr WHITEHEAD, Mr RUTGERSON, Mr EKLANE & Mr JACOBS, } of the Assembly.

WILLm PINHORNE *Esqr.*

Gentlemen,

The occasion of our meeting here is the bill of the revenue which you have passed for five years It is the opinion of His Excell and the whole council that it were better amended and the revenue setled upon their Maties during their lives and that for these reasons:

There is noe easyer way to defray the charge of the Government than by a Revenue upon trade & excise of liquors which noe man ever feels and when these five years are expired the charge of the Government must still be supplyed.

When the Revenue is setled upon their Maties for their lives, There is not a farthing more given than what you now give nor has his Excellency any benefite thereby other than that by yor passing the Complement upon their present Maties who are of our own Religion, have brought us so great a deliverance and have been at such great charge in sending over such quantityes of artillary ammunicōn & stores for our defence, who mantaine the two companyes of Granadeers & a guard ship out of their own Coffers which brings a private benefite unto this Province by the consumption of our provisions and who have made such fair steps for our assistance and the annexation of the neighbouring Colonyes that are in a manner unhing'd from Government; His Excellency may be enabled thereby with greater boldnesse & hope of successe to make applicacōn unto their Maties for such other favours as are now needfull for the ease of this Province, as four Companyes of foot during the warr, the building of a stone ffort at Albany, which would sufficiently secure the fronteers & ease the countrey wholly of the annuall subsidies which being levyed by taxes are become an intollerable burden to the people. We want more artillary, ammunicōn; more small arms & oy^r stores of warr; the setling the Revenue upon their Maties for their lives is no more than what our neighbours of Virginia & Maryland have done: One having setled a Revenue upon their Maties their heirs & Successors; the other for their lives.

You may likewise remember the same revenue was given to K. *James* and his heirs with a tack bill of yor priviledges which he did not passe, but A Charter of the same priviledges did passe in the first Assembly after Governor Sloughter's arriveall, tho' that Assembly gave the revenue to their Maties for two years and noe more.

Coll Pierson.

The Revenue is not Sufficient in this time of warr to defray the charge of the Government and we have it under consideracōn to support the Government another way. And the yearly subsidys for defence of the ffrontiers being raised upon us by taxes, we have continued the Revenue for five years in expectation the warr may be at an end, when we intend to let the Revenue fall and Support the Government otherwise. We expect an annexation of the neighbouring Colonyes and it will fall easyer then than now at present it would doe, there will be more to bear the burden and it is for that end only we have at this time continued the revenue for five years.

Chidley Brooke *Esqr.*

Gentl It seems strange to me you should stand so much in yor own light as to neglect the present demand of his Excell and Council who have noe other interest thereby than the good of the Province and desire nothing from you but what is already given. You only put the Complement upon their Maties and thereby enable His Excellency to procure those favours from their Maties for you which will ease you of all your burdens & greivances. Their Maties doe not put a farthing thereof in their Coffers but have allotted all this Revenue for support of this Government, which is indeed a giving of it to your selves; for Government must be supported and you can finde noe easyer way than by a Revenue.

Mr Kip.

I cannot beleive that their Maties are to be guided by a bare Complement (which is nothing) to study the welfare of the subject nor will they be wanting in any thing for want thereof.

Mr Cortlandt.

Gentlemen Our purses are allways open to their Maties; we wish it were in our power to serve them with 100,000£ a year; we should be glad to send it them over for their present occasions in the warr, but it cannot be their Maties interest to hurt their subjects; we have not been wanting in giving supplyes from time to time nor does it enter in Our thoughts ever to raise a lesse fund for support of ye Government than the present Revenue, but to setle it upon their Maties for their lives, is presidentall and will be expected by the next Successour and we shall be tyed and Our trade clogged when our neighbours goe free on both hands, and this is our present circumstance. Their trade flourisheth, Ours decays; they draw away both our riches and people; We become oppressed & ridiculed & cannot tell how to help our selves. We have therefore considered of another way to support the Government And of making our selves equall with our neighbour, though at present we must submitt to the burden.

Chidley Brooke *Esqr.*

Gentlemen What easyer fund can be proposed than this Revenue? If you propose a tax you will finde more difficulty to gett your neighbours to comply with you in taxes which are always greivous to the poor, and likewise the granting the revenue for their Maties lives will not only enable His Excell to procure the annexacōn, but there is alsoe a prerogative conteind in the Letters Patents which is the opening & Establishing of ports & of shutting them up whereby they

must be necessitate to submit to the same revenue or be obleig'd to make use of this port where they must consequently pay the same dutyes.

WILLIAM PINHORNE *Esqr.*

Gentlemen, it is a mistake to think our trade decays and our neighbours flourish; noe man feels the revenue, it is soe easy, nor doth it influence our trade or the price of our goods. We cannot perceive our trade any wayes lessened. New England are a greater people than we, and considering our number of Inhabitants, our trade is rather better than worse.

Mr CORTLANDT.

Sr I can make it appear that severall sumes of money have been caryed from this place to Rhod Island to purchase rum for Virginia which (were it not for the Groat in the gallon) would have remained with us.

Coll STEPHEN CORTLANDT.

Brother, I must oppose you in this thing; you say that there can be a more easy way than a revenue upon trade & excise upon liquors; in this you seem to oppose yor selfe, for the taxes come from every poor man in the Government and generally fall heavyest upon them, whereas the Customs are very easy—two ℔ cent, and fall upon the merchant, and his Comodityes are least wanted by the poor and are a great part consumed by Our neighbours. The excise comes altogether from the extravagancy of drinking in taverns which never hurts the poor unlesse they choose to goe thither & spend their money; they may drink what they will at home & pay noe excise for it.

Mr CORTLANDT.

We have some Goods as beaver & peltry pay neer 7 ℔ cent.

CHIDLEY BROOKE *Esqr.*

That falls upon the merchant; still how is the Countrey hurt by it?

Coll NICHOLAS BAYARD.

I remember Mr Cortlandt you spoak of Our neighbours getting both our trade & Inhabitants. I must remarke to you that it never was the Revenue that made our Inhabitants remove, but the burdensome taxes and more burdensome detachments for Albany. The revenue is soe small it never was felt to make any difference or to influence the prices of comodityes; therefore you can never propose a better or easyer fund to defray the charge of Government.

WILLIAM PINHORNE *Esqr.*

Gentl, if you will setle the Revenue upon their Maties for lives, it will be a marke of yor respect for them & put his Excell in a better way to serve you in removing the oppressions of taxes & detachments by getting the fronteers secured by four Companyes from England & a stone fort built at Albany at their Maties charge.

Mr PIERSON.

Perhaps *Gentlemen* when the five years are over, We may give it for five years more.

CHID BROOKE *Esqr.*

Why not as well give now for their Maties lives? A former Assembly of this Province gave it to King *James* and his heirs which is forever.

Mr PIERSON.

Sr We gave it not to King *James;* it was a conditionall Grant between us and the Duke of Yorke who was then a Subject.

CHID BROOKE *Esqr.*

But it was given to him and his heirs which is forever, and being a Subject yor reasons are soe much weaker; it is now only desired of you as an argument to procure the things you want and it seemeth strange you should oppose yor own interest.

WILLIAM PINHORNE *Esqr.*

Gentl You have now a fair opportunity to serve yor selves by putting it in his Excell power to recommend you to their Maties that you may reap the benefite of his interest at Court which is considerable.

Gentl. You have heard what hath been said for the setling of the Revenue of this Province upon their Maties for their lives, and how little there is to be said against it. I shall not repeat those arguments. I hope you have considered them, And that his Excell can have no other interest by asking this than yor own Good & benefite, which is that he hath ever studyed. I hope you are convinced; I shall not insist longer but desire every man to give his free vote, Whether he be for having the bill altered from five years and made for their Maties lives or for continuing it to passe as it is.

The members of Council present Gave their votes severally for their Maties lives.

The Representatives all severally against altering the Bill.

At A Council held at ffort William Henry, the 21th *of September* 1693.

PRESENT— *His Excell* BENJ: FFLETCHER &c.,

STEPH. CORTLANDT, NICH. BAYARD, CHID. BROOKE, WILLIAM NICOLL, } Esqrs.

WILLIAM PINHORNE, JOHN LAURENCE, JOHN YOUNGS, CALEB HEATHCOTE, } Esqrs.

The Committe of the Council did report having mett with the Committe of the house of Representatives; they did use many arguments to persuade them to Continue the Revenue upon their Maties for their lives but could not prevaile upon one of them.

His Excell did put it to the vote whether the Bill for continuing the Revenue to their Maties should passe or no?

The Council *nemine contradicente* are for passing of the sd Bill without amendment, since the Representatives cannot be prevailed upon to alter it.

Ordered, the Bill for continuing the Revenue to their Maties for five years longer be read a second & third time, which was done accordingly.

The Governor and Council doe consent to the Bill for Continuing the Revenue to their Maties for five years longer with this amendment of the title thereof—that the title of the former Act of the Revenue be mencōned therein and desire the concurrance of the house to that amendment vizt: that the title be, A Bill confirming & continuing unto to their Maties the Revenue established by An Act made in the fourth year of their Maties reign for the defraying the necessary charge of the Government five years longer than the terme therein mencōned.

Ordered, Coll John Youngs doe present to the Representatives a copy of the preceeding minute & desire the consent of the house to the amendment of the title accordingly.

Ordered, The Bill for setling a Ministry be read a 2^d time, which was done.

His Excell desired the opinion of this board for the adjournment, prorogation or dissolution of this Assembly.

This board *nemine contradicente* are for dissolving the Assembly and advise that for the present time it be prorogued to the 10th of January next.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 22th *of September*, 1693.

PRESENT— *His Excell* BENJ FFLETCHER &c.,

FFRED. PHILIPS, STEPH. CORTLANDT, CHID. BROOKE, } Esqrs.

WILLIAM PINHORNE, JOHN YOUNGS, } Esqrs.

The Amendment of the title of the Bill of the Revenue done by the Representatives by removing the first sheet and transcribing it with the amendment was ordered to be read three times, which was done, And the Governor & Council doe assent thereunto.

Ordered, the Bill for setling a Ministry be read a third time.

The Bill for setling a Ministry is assented unto by the Governor and Council with this amendment: That in the last sheet between the lines 3^d & 4th be inserted (and presented to the Governor to be approved & collated.

Ordered, William Pinhorne Esqr doe present the sd bill with amendment to the Representatives and desire their consent thereunto and that he doe tell them to despatch the businesse before them, time being precious and a charge growing upon the countrey.

Mr Pinhorne returned that he had delivered his messuage; that they made answer they had no businesse before them; they waited his Excell^s pleasure & that they would immediatly dispatch this present bill with amendment.

Adjourned till afternoon.

Postmeridiem, the 22th of September, 1693.

PRESENT — *His Excellency* BENJ FFLETCHER, &c.,

STEPH CORTLANDT, GAB. MONVIELLE, WILLIAM PINHORNE, } Esqrs. JOHN LAURENCE, JOHN YOUNGS, } Esqrs.

The Clerke of the Council did acquaint the board that the Representatives had refuised to amend the Bill for setling a Ministry &c having signifyed the same under their Speaker's hand annexed to the Bill which was brought up after the Council was Adjourned in the forenoon,

His Excell ordered the Clerk of the Council to acquaint the Speaker That His Excell and Council doe expect his attendance with the Representatives forthwith in the Council Chamber.

Mr Speaker and the members of Assembly being present His Excell said:

Gentlemen

The first Bill I see before me is intituled, A Bill to prevent unlawfull seisures & forfeitures, if it may deserve the name of a bill, for it is very much wanting in forme, soe that it seems strange to me it should passe your house being three times read I caused it to be read in Council & desired the opinion of the board but I found a *nemine contradicente* against it as being very much prejudiciall to the trade of this Province and therefore it is laid aside.

The next is the Bill of the Revenue. I had no other end to ask it for their Maties lives but your own interest and the benefite of this Province; I did tell you that the whole council were for giving it for life and you have soe litle to say against it that I can attribute it to nothing lesse than stubbornnesse as if you had agreed to deny what is asked you. You have given it for five years and I have passed it. I wish you had considered better your own interest; but I shall say no more of it.

There is alsoe A Bill for setling a Ministry in this City & some other Countyes of the Government; in that very thing you have shown a great deal of stiffnesse. You take upon you as if you were dictators. I sent down to you one amendment of three or four words in that Bill, which tho' very immateriall yet was positively denyed. I must tell you it seems very unmannerly; there never was an amendment yet desired by the Council board but what was rejected; it is the sign of a stubborn ill temper and this have alsoe passed. But

Gentlemen,

I must take leave to tell you if you seem to understand by these words (calling the Minister) that none can serve without your collation or Establishment, you are far mistaken; for I have the power of Collating or suspending any Minister in my Government by their Maties Lres Patents; and whilst I stay in the Government, I will take care that neither heresy, sedition, schism, nor rebellion be preached amongst you, nor vice & profanity encouraged. It is my endeavour to lead a virtuous & pious life amongst you & to give a good Example. I wish you all to doe the same. You ought to consider that you have but a third share in the legislative power of the Government and ought not to take all upon you nor be so peremptory; you ought to let the Council have a share; they are in the nature of the House of Lords or Upper house; but you seem to take the whole power in your own hands & sett up for every thing. You have sitt a long time to litle purpose & have been a great charge to the Countrey; tenn shillings a day is a large allowance & you punctually exact it. You have been always forward enough to pull down the ffees of other ministers in the Government. Why did not you think it expedient to correct your own to a more moderate allowance?

Gentl I shall say noe more at present but that you withdraw to your private affairs in the Countrey. I doe prorogue you to the 10th of January next and you are hereby prorogued to the 10th of January next ensueing.

[IN EXECUTIVE SESSION.]

At A Council held at ffort William Henry, the 16th *of November*, 1693.

PRESENT— *His Excell* BEN: FLETCHER, &c.,

FFRED PHILIPS, NICH. BAYARD, GAB. MONVEILLE, } Esqrs. CHIDLEY BROOKE, CALEB HEATHCOTE, } Esqrs.

His Excell. did offer his opinion for DISSOLVING the Assembly by Proclamacōn before the shutting up of the Rivers & assigned the reason that all the Inhabitants may have the benefite of a ffree choice, none excepted that are not under conviction of High Treason or felony otherwise qualifyd. Which the Council doe approve of.

Writs for a New Election were issued on the 30th Nov. following.

THE FOURTH ASSEMBLY FIRST SESSIONS.

At A Council held at ffort William Henry the first of March, 169$\frac{3}{4}$.

PRESENT— *His Excell* BEN: FLETCHER &c.,

FFRED. PHILIPS, STEPH CORTLANDT, WILLIAM PINHORNE, } Esqrs. JOHN LAURENCE, CALEB HEATHCOTE, } Esqrs.

His Excell understanding that the Representatives were not yet come to Town to make a full house, did adjourn till morrow morning.

At A Council held at ffort William Henry the 2^d of March, 169$\frac{3}{4}$.

PRESENT— *His Excell* BEN: FLETCHER, &c.,

FFRED. PHILIPS, STEPH. CORTLANDT, WILLIAM PINHORNE, } Esqrs. JOHN LAURENCE, CALEB HEATHCOTE, } Esqrs.

His Excell gave a commicōn to Coll Cortlandt & William Pinhorne Esqr to administer the oaths and Tests to the Representatives in Assembly.

Adjourned till morrow morning

At A Council held at ffort William Henry the 3^d of March, 169$\frac{3}{4}$.

PRESENT— *His Excell* BEN FFLETCHER &c.,

STEPH. CORTLANDT, GAB. MONVIELLE, WILLIAM PINHORNE, } Esqrs. JOHN LAURENCE, CALEB HEATHCOTE, } Esqrs.

Vpon the peticōn of sundry ffreeholders of Kings County alleaging that Gerrard Beeckman was chosen Representative by the plurality of voices and Henry ffilkin returned by the Sheriffe in his room, praying the sd Gerrard be admitted to sit in Assembly

The sd Gerrard being under attainder of High Treason, the peticōn is referred to the Attorney Generall to draw up his opinion in that matter which he is to return unto this board in writing.

The Representatives having attended his Excell in Council, having taken the oaths & test, His Excell bid them returne to their house and choose a speaker.

Adjourned till 3 a clock afternoone.

3 a clock afternoon.

PRESENT— *His Excell* BEN: FFLETCHER, &c.,

STEPH. CORTLANDT, GAB. MONVIELLE, WILLIAM PINHORNE, } Esqrs. JOHN LAURENCE, CALEB HEATHCOTE, } Esqrs.

The Representatives presented Lt Coll Henry Pierson to be their Speaker who modestly refuised.

His Excell confirmed him and granted to them the priviledges of the former Assembly.

Then recommended to their care and Consideracōn the reinforcement of Albany & the ffronteers from the first of May next at least for one year & with as many fusileers as have been there this last year

That it would be a great encouragement aswell to the Inhabitants of Albany as to the fusileers to be paid weekly or every fortnight in money, that therefore they consider of raising a present fund to that purpose, the dilatory coming in of the taxes puting a necessity upon the

soldiers to take up such things as they want upon the Creditt of their pay at great disadvantages from one person

That the Indians are staggering and will want great encouragement by presents if possible to keep them from joyning with our Enemy against us.

That the Charges of the Government, being time of actuall warr, are still great and therefore there will be a necessity of Continuing of the additionall duty raised to pay the debts of the Government during the continuation of the warr.

That they will consider the ffort is much out of repair, the Chappell pulled down to prevent its falling, to provide for the rebuilding of it.

That they will think of repairing the fortifications and the making a platforme & battery as His Excell did project it to defend the City, which is the key of the Province, from attempts by water.

And desired them to Consider that the neighbouring Colonies are under great taxes aswell as they are not to despond because of the burden of the warr there being no subjects in Europe under so light burden and small payments at this very day as this Province; so bid them withdraw to their house.

Adjourned till Tuesday morning.

At A Council held at ffort William Henry, the 6th of March, 169¾.

PRESENT— *His Excell* BEN: FLETCHER &c.,

FFRED. PHILIPS, STEPH. CORTLANDT, GAB. MONVIELLE, } Esqrs.

THOMAS WILLET, WILLIAM PINHORNE, CALEB HEATHCOTE, } Esqrs.

His Excell having gott the opinion of the Attorney Generall and Mr Justice Pinhorne upon the peticōn of the ffreeholders of Kings County in behalfe of Gerrard Beeckman whom they did affirm to have the plurality of voices for being their Representative,

Ordered, the Clerke of the Council doe deliver the said peticōn with the report of the Attorney Generall and Mr Justice Pinhorne thereupon to the house of Representatives for their Consideracōn.

Capt Daniel Whitehead & John Spratt from the house of Representatives desire his Excells speech & the Peticōn in favour of Gerrard Beeckman which were given them and recommended to them to consider of the report of the Attorney Generall and Mr Justice Pinhorne upon the sd peticōn.

Ordered, the Clerke of the Council go & inquire if the house of Representatives will have any thing to offer to his Excell & Council this forenoone.

The Clerke of the Council returned in answer from the Assembly, that they have the defence of Albany under their consideracōn, which will take up some time, therefore there will be nothing offered this forenoone.

Adjourned to 8 a clock morrow morning.

At a Council held at ffort William Henry, the 7th of March, 169¾.

PRESENT— *His Excell* BEN: FLETCHER &c.,

STEPHEN CORTLANDT, THOMAS WILLET, WILLm PINHORNE, } Esqrs.

JOHN LAURENCE, CALEB HEATHCOTE, } Esqrs.

Mr Jackson, Mr Staats, Mr ffilkin & Mr Stillwell from the Representatives return thanks from the house for his Excell favourable speech

Mr Blackhall & Mr Van Ekelin from the house of Representatives deliver to His Excell a Bill concerning Pillotage, which being read His Excell & Council having considered that therein all vessells belonging to Newyorke under seven foot draft of water, are excused from payment of the duty for pilotage whereby there cannot be sufficient provision for the pilotts, do therefore desire the bill to be drawn over fair, that these vessells be only excused from duty that are coasters upon the Maine of N. America, and that it may so passe the house in due forme signed by the Speaker.

Ordered, William Pinhorne Esqr & Coll Caleb Heathcote doe deliver the said Bill with the copy of the sd Minute and desire the house to comply therewith accordingly.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 8th *of March*, 169¾.

PRESENT— *His Excell* BEN: FLETCHER, &c.,

STEPH. CORTLANDT, GAB. MONVIELLE, THO. WILLET, } Esqrs.
WILLIAM PINHORNE, CALEB HEATHCOTE, } Esqrs.

Dr Samuel Staats & Mr Van Ekelin from the Representatives, bring a message to his Excell that he will please to order their Maties Collr that the Assembly may have the perusall of all the accounts of the Revenue in order to their continuation of the additionall duty during the warr. His Excell desiring the opinion of the board,

This board do agree that the Representatives may appoint some of their house to view the accounts of the Revenue being compleated to the 25th of December last at the Collectors Chamber, where they may have the perusall of his books, vouchers & entrys to their satisfaction;

And the Collector & Receiver Generall is hereby ordered to let them have the perusall of his books & vouchers accordingly.

Ordered, the Clerke of the Council do deliver the copy of this minute to the Speaker forthwith.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 9th *of March*, 169¾.

PRESENT— *His Excell* BEN FLETCHER &c.,

STEPH. CORTLANDT, GAB. MONVIELLE, THO. WILLET, } Esqrs.
JOHN LAURENCE, CALEB HEATHCOTE, } Esqrs.

Ordered, the Clerke of the Council to deliver a fair draft of the Bill for setling Pilotage to the Speaker, and desire it may passe the house.

His Excell ordered the Clerke of the Council to acquaint Mr Speaker that His Excell hath letters to dispatch for England, therefore desires to know if they have any thing to offer this forenoone, that otherwayes he may adjourn.

Mr Pell from the house of Representatives brought up the Bill for pilotage being three times read & passed their house.

The Clerke of the Council did return in answer that they have sent up the Bill for pilotage by Mr Pell and have nothing further at present to offer.

Ordered, the Bill for pillotage be three times read.

The Bill for pilotage being three times read, is assented unto by the Governour & Council & his Excell did sign the same.

Adjourned till tuesday morning 8 a clock.

At A Council held at ffort William Henry, the 13th *of March*, 169¾.

PRESENT— *His Excell* BEN FLETCHER &c.,

FFRED. PHILIPS, STEPH. CORTLANDT, GAB. MONVIELLE, WILLm SMITH, } Esqrs.
CHID. BROOKE, WILLm PINHORNE, CALEB HEATHCOTE, } Esqrs.

Adjourned till thursday morning.

At A Council held at ffort William Henry, the 15th *of March,* 169¾.

PRESENT — *His Excell* BEN FLETCHER &c.,

STEPH. CORTLANDT, GAB. MONVIELLE, CHID. BROOKE, } Esqrs.
WILLIAM NICOLLS, THOMAS WILLET, WILLm PINHORNE, } Esqrs.

Major Howell & Capt Jackson from the house of Representatives deliver in a Bill against unlawfull by-Laws &c passed the Assembly and desire his Excell & Council will assent thereunto.

Ordered, the said Bill be read the first time, which was done.

Ordered, the said Bill be read the second time, which was done.

Ordered, the said Bill have a third reading.

His Excell ordered the reading of a peticōn from the Inhabitants of Suffolke County praying to have a port established at Southold or Southampton, which is taken into further consideracōn.

Adjourned till Monday morning.

At A Council held at ffort William Henry, the 19th *of March,* 169¾.

PRESENT— *His Excell* BEN FLETCHER, &c.,

FFRED. PHILIPS, STEPH. CORTLANDT, WILLm SMITH, GAB. MONVIELLE, } Esqrs.
CHID. BROOKE, WILLm NICOLLS, WILLm PINHORNE, } Esqrs.

His Excell proposed to send a message to the house of Representatives by two members of this board to desire them to expedite the subsidy for the forces at Albany for the ensueing year; to tell them that the same number of forces at least are required for the security of our ffronteers (besides what may be expected from the Jerseys or the neighbouring Colonies) as are now there in service; That they think of a fund to pay those whom his Excell hath ordered to continue in the service to the first of May next, who were provided for only to the 15th of March instant; That they order a fund for paying the Soldiers in ready money weekly for their encouragement and of the Inhabitants of Albany;

To tell them likewise that the first of May approacheth & but litle time left to prepare the detachments who have been alwayes backward; therefore to desire them to lay all other businesse aside untill the ffronteers be provided for.

Which the whole Council do approve and thank his Excell for his care of the Province.

Coll William Smith and William Pinhorne Esqr are desired to cary down this message

Adjourned till morrow morning.

At A Council held at ffort William Henry the 20th *of March,* 169¾.

PRESENT— *His Excell* BEN: FLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, GAB. MONVIELLE, WILL. SMITH, CHID. BROOKE, } Esqrs.
WILLIAM NICOLLS, 2 WILLIAM PINHORNE, 1 THO. WILLET, 2 CALEB HEATHCOTE, 1 JOHN LAURENCE, } Esqrs.

His Excell ordered a third reading of the Bill against unlawfull by-Laws &c, which being read

His Excell having put it to the vote whether it shall passe or not, it was caryed in the affirmative, 7 for it; 3 against it.

His Excell did acquaint the Council that he understands by the votes of the Assembly of yesterday, that upon receipt of his message for their expediting provision for the ffronteers the Representatives have voted for 120 men to remain one year at Albany and the sume of £2400 for their mantainance, whereof £800 is a surplusage of the 6000£ tax, raised the last year, And desire the opinion of the Council upon this matter: If 120 men be a sufficient force to secure the ffronteers, Declaring that he would not undertake the defence of that Garrison with so small a number

The Council *nemine contradicente* gave their opinion that 120 men is not sufficient to mantain the Garrison at Albany.

Ordered, William Nicolls Esqr do acquaint the house of Representatives that His Excell and Council are of opinion that 120 men, as they have voted yesterday, are not sufficient to secure the ffronteers and that his Excel hath declared in Council that he cannot account for the Garrison at Albany with so small force and that His Excell desires to know of them how they designe the application of the 2400£ and that Mr Speaker, accompanyed with the whole house, attend his Excell in Council this afternoone by 3 a clock. Adj.

At A Council held at ffort William Henry the 20th *of March*, 169¾.

PRESENT— *His Excel* BEN FFLETCHER, &c.,

FFRED. PHILIPS,	Esqrs.	CHID. BROOKE,	Esqrs.
STEPH CORTLANDT,		WILLIAM NICHOLLS,	
NICH. BAYARD,		THOMAS WILLET,	
GAB. MONVIELLE,		WILLIAM PINHORNE,	
WILLIAM SMITH,		CALEB HEATHCOTE,	

His Excell ordered the reading of a Bill for setling Establishments &c assented unto by the house of Representatives and sent up for the assent of His Excell & Council; which being read, His Excell put it to the vote if it should passe or not?

Caryed in the negative with a *nemine contradicente*.

The Speaker and Representatives in obedience to his Excell message, come to waite upon his Excell in Council and were admitted. Then His Excell did lay before them the necessity of a good force at Albany, at least equall to what was there last year and did declare unto them that he cannot be accountable for that Garrison with 120 men; that they must not depend upon the help of our neighbours; That he is sensible of their hardships and hath not been wanting in endeavours and solicitations both at home and with the neighbouring Colonies and should be glad as much as any of them to see releife come, but that it is farr easyer to call back 100 men from thence than to lead 500 up thither upon the approach of the enemy, and used sundry pressing arguments urging their further consideracōn of that matter & speedy recesse from that vote. So bid them withdraw to their house.

The Council do unanimously approve of His Excell argument to the Assembly and return their hearty thanks for his care & vigilance for the safety of the Province.

Adjourned till morrow morning.

At A Councill held at ffort William Henry, the 21th *of March*, 169¾.

PRESENT— *His Excell* BEN FLETCHER &c.,

STEPH. CORTLANDT,	Esqrs.	WILLm NICOLLS,	Esqrs.
WILLm SMITH,		THO. WILLET,	
GAB. MONVIELLE,		WILLm PINHORNE,	
CHID. BROOKE,		CALEB HEATHCOTE,	

Vpon the consideracōn of the votes of the house of Representatives, It is

Ordered, that William Nicolls Esqr and William Pinhorne Esqr do acquaint them from his Excell & Council that his Excell cannot undertake to defend the ffronteers with lesse number of men & Officers than last year; that all he can depend upon from our neighbours is 30 men from the Jerseys; That his Excell will not be wanting in endeavours to get other supplyes which, when they come, shall be alwayes disposed for the ease & security of the Province, and that there must be provision made for a Town Majr at Albany, being a very necessary Officer in that post.

That his Excell expects that at least they provide for so many men and officers that with the 30 from New Jersey may compleat the number of 200; That some consideracōn may be had to raise a fund for presents to the Indians, without which (if at all) their stability and freindship to this Province is not to be thought of; That the sume by their yesterdays vote alloted for contingencyes will in no wayes defray the necessary charges that must inevitably happen, and desire the house will dispatch what businesse is before them, their long sessions being very chargeable to the countrey; And further did likewise order that it be recommended to them particularly to take into consideracōn what his Excell did offer for the continuation of the additionall duty during the warr.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 22th *of March,* 169¾.

PRESENT— *His Excell* BEN. FFLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, WILLm SMITH, GAB. MONVIELLE, CHID. BROOKE, } Esqrs.

WILLIAM NICOLL, THOMAS WILLET, WILLIAM PINHORNE, CALEB HEATHCOTE, } Esqrs.

It appearing by the votes of the house yesterday that the Representatives continue to provide for lesse than 200 men

His Excell desired the opinion of the Council if the know any reason for abateing of the force that was upon our ffronteers last year, considering the Governour of Canida hath gott 700 men recruits last summer from ffrance, and that our Indians are staggering through the discouragment they have received thereby, and by our weaknesse and small appearance upon the ffronteers.

The whole Council unanimously declare their opinion, that there is rather need of greater force upon the ffronteers than last year & that there must be no abatement of that number of officers and soldiers and advise his Excell to send for the whole house as being the only effectuall means to influence them.

Ordered, William Pinhorne Esqr do acquaint the Speaker that his Excell in Council desires His attendance with the whole house forthwith.

The Speaker & whole house being present His Excell said

Mr Speaker and You Gentl

I finde you are about to frame a bill for the weakening of the Garrison at Albany, which I declare I can never assent to unlesse you can demonstrate that either the enemy are grown weaker or we stronger.

The same Letters Patent that gives you authority to sit in Assembly make me Captain Generall of this Province, and you must allow me to be a competent Judge what number of forces are needfull to secure the ffronteers; it is Your businesse to provide a subsidy for them. I can command the whole Militia of the Province and am ready to head them upon occasion. I am bound in honour & duty to their Maties to expose my life for your defence, but if you deny subsidy to a sufficient fforce upon the ffronteers you ty my hands and fetter me.

If you are minded to give up the Countrey to the Enemy by weakening that garrison which is the key thereof, I wash my hands of all the evill consequences to follow thereupon, and for this end I sent for you; if you will not help yourselves I can do nothing. It is a foolish argument which I am informed some of you have used, because your neighbours will not assist you to quench yor house on fire, you will not endeavour it by the children & servants of your own family. It is true I have received a Commicōn for the Command of the Militia of Connecticut, but they refuise to obey it. I have another Commicōn for the Government of Pensilvania, but you must first converte them before they will either be concerned in the shedding of blood or contribute aid to such as do it. I can do no more but lay this before you. Consider if it be sufficient to suffer our own ruine because our neighbours will not assist us.

There is likewise a necessity for my going to Albany to meet the Indians, and desire you will provide a fund for presents to them. I professe I should be ashamd to see them with lesse forces there or with an empty hand, unlesse it were to take leave of them for good and all, and that it were intended they shall joyn our Enemys and turn their arms against us; therefore lay it to heart.

Gentl. I think there is but 20 men & six officers more to be provided for and this is all the difference between us; let us part in freindship and don't be wanting to yor selves in so small a matter.

I do also remember that it surprized me to finde in your votes that you could not have the view of the Receiver Generalls accounts & vouchers, which he hath declared here were always ready for yor perusall whenever you shall order some of your house to view them.

Gentl. I begg your dispatch; time runns away; you have now sit twenty dayes & litle or nothing done; 'twere much more pleasant businesse went on cheerfully at once; therefore withdraw unto your house and Consider it.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 23th *of March*, 169¾.

PRESENT— *His Excell* BEN. FLETCHER &c.,

STEPH. CORTLANDT, NICH. BAYARD, THO. WILLET, } Esqrs.
WILLIAM PINHORNE, JOHN LAURENCE, } Esqrs.

His Excell ordered the Clerke of the Council to ask Mr Speaker if there were anything to offer this forenoone and to desire their dispatch.

In answer thereunto, Majr Wessells &c from the house of Representatives delivered A Bill intituled, A Bill to Enable the City & County of Albany &c

Ordered. the said Bill be read three times.

The said Bill being three times read His Excell and Council do assent unto the same with this amendment: that the year therein mencōned commence from the 18th of May next which will be the determinacōn of a former Act for the like use.

Ordered, William Nicolls Esqr do deliver the sd Bill to the house of Representatives and desire their amendment thereof accordingly.

Adjourned till morrow morning

At A Council held at ffort William Henry, the 24th *of March*, 169¾.

PRESENT— *His Excell* BEN FLETCHER, &c.,

FFRED. PHILIPS, STEPH. CORTLANDT, NICH. BAYARD, GAB. MONVIELLE, } Esqrs.
CHID. BROOKE, WILLm NICOLLS, THO. WILLET, WILLm PINHORNE, } Esqrs.

His Excell signed the Bill against unlawfull by-Laws &c.

His Excell did acquaint the Council that he hath received Letters from Majr Schuyler last night, giving advice that the Indians of the five Nations are in haste to make an agreement of peace with the ffrench of Canida, that there are other Messengers come from Canida to them and they are very desirous to see his Excell forthwith;

That he called an Assembly at Pensilvania who are to meet the 10th of April next where he hath designed to be present, And therefore desired the opinion of the Council which of those services is first to be attended.

The Council are of opinion & advise his Excell to go first to Albany to meet the Indians.

It is also the opinion of the Council that his Excell do Communicate the two letters which he received last night from Albany to the Assembly, and that they be made acquainted that notwithstanding His Excell intention to meet the Assembly of Pensilvania, the Council think it needfull and have advised that his Excell go first to Albany to meet the Indians; that there is at least six hundred pounds wanting towards presents and the charge of this Expedition and no money in the Treāry to defray it; That therefore they be desired to provide a fund to defray that Charge either by the continuation of the additionall duty which will give a Creditt to advance the money or some other way which they can think upon is most convenient; which was ordered accordingly

Ordered, Stephen Cortlandt Esqr & William Nicolls do deliver this message to the house of Representatives.

John Pell & Daniel Whitehead presented a Bill from the house of Representatives passed the house Intituled: A Bill for the raising & paying 170 men &c, & prayed the assent of the Governour & Council thereunto

Ordered, the same be read the first and second time;

Ordered, a third reading of the Bill for ye raising & paying 170 men &c.

Vpon the third reading of the sd Bill, His Excell and Council desire an amedment that in pag S. 3d line, be inserted:—and such other forces as shall be obteind and His Excell think fitt for the defence aforesaid; and some other small literall corrections which the Clerke will perceive.

Ordered, Chidley Brooke Esqr and William Pinhorne Esqr do deliver the Bill with amendments and desire the consent of the Representatives thereunto.

Mr Van Ekelan & Mr Blackhall, in answer to his Excell message to the house concerning his Expedition to Albany to meet the Indians with presents, Desire that the necessary Charge be taken up upon the Creditt of the revenue for that expedicōn.

Ordered, Thomas Willet Esqr desire the Speaker of the Assembly will appoint a Committe of the house to conferr with four of the Council about the charge of his Excell Journey to

Albany & presents to the Indians, who are to meet at 3 a clock this afternoon in their Maties Custome house at the Collrs office.

Ordered, Coll Cortlandt, Coll Bayard, Chidley Brooke Esqr and William Pinhorne Esqr be a Committe of the Council to conferr with a Committee of the Assembly to be thereunto appointed, at the Collrs office in the Custome house at 3 a clock afternoone, concerning the charge of his Excell Journey & presents to the Indians.

Adjourned till munday morning.

At A Council held at ffort William Henry, the 26th of March, 1694.

PRESENT— *His Excellency* BEN. FLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, GAB. MONVIELLE, } Esqrs.

CHID. BROOKE, WILLIAM PINHORNE, JOHN LAURENCE, } Esqrs.

Mr Henry ffilkin from the Assembly presented A Bill for the Continuation of the additionall duty for one year longer, to commence from the fourteenth day of November next to the 14th of November then next following, & desired the assent of his Excell the Governour & Council,

Which was ordered & read three times.

His Excell the Governour and Council do assent unto the sd Bill being three times read with this amendment: Provided the interest of tenn ℔ cent annually be mencōned & inserted with the 600£.

Chidley Brooke Esqr and William Nicolls Esqr are ordered to desire the Assemblys consent to that amendment, which was granted.

His Excell signed the sd Bill amended accordingly.

His Excell signed the Bill intituled, A Bill to enable the City & County of Albany; being amended.

His Excell signed the Bill for raising & paying 170 men &c. amended.

Ordered, the Messenger of the Council do call up the Speaker & the whole house Who giving their attendance His Excell said

Mr Speaker and you Gentl

I have sent for you in order to an adjournment; here are the Acts which I have assented to and are past in this sessions.

The first is that for setling of pilotage, which I beleive will be of litle service when all is done it is doubted that the fund raised for the provision & mantainance of the four pilotts proposed, will not answer the charge.

Then that for the raising 170 men with their Officers for Albany and the ffronteers wherein you have used a piece of husbandry which I wish you may have no cause to repent. You have saved 1700£ by cuting of their pay from a shilling a day to eight pence, which I fear will dishearten the souldiers; some of you have given your opinion that those who served at Albany, did not put any value upon the pay. I confesse it is hard for poor people to leave their familyes for a twelve month to serve in the ffronteers, but I will alwayes beleive that 6£ a year would have been an encouragement to any poor man that shall go theither; if it answer the end and the ffronteers be secured, I am satisfyed with anything you can propose for your ease and the ease of the Countrey which you represent. There are now neer Eighty men at Albany who are willing to continue in the service upon some encouragemt given them by the officers there; I will take care that if any person who is detached for this years service do agree with the Officers for a man in their room, that such person shall have the name of the person who is to serve for him under the officers hand and that they agree with the rolls of the Commissary of musters.

There is also an Act against Unlawfull by-Laws &c *Gentl.* You are here the Representatives of your Countrey, and are best acquainted with the advantages & disadvantages thereof, especially in matters of this nature. It was your own proposall and I found the Council or most of them to favour it: therefore I would not presume to put any stop to a thing which is proposed by you in behalfe of the Countrey as a common benefite especially being seconded with the opinion of the Greatest part of these Gentlemen whom their Maties have named of their Council for this Province; I have passed it into an Act.

That for the Enabling of the City & County of Albany &c. is a continuation of a former Act of Assembly in favour of the City & County of Albany for one year longer which could not be denyed. I have passed it into an Act.

And Lastly

There is An Act for the continuation of the additionall duty for one year longer to defray the charge of the presents to be given to the Indians & my Journey to meet them; which being a

thing most necessary for their Maties service & the safety of the Province & at my particular instance granted by you, I return you thanks for it. It is also past into an Act.

Gentl. This has been a long sessions, and but litle done, but the time calls me to hasten from you. I am now going to the ffronteers & so soon as I return must again travail to Pensilvania to meet the Assembly there, which I have adjourned till the first of May next; must therefore take my leave of you. I think fitt to adjourn you to the 25th of September next and you are hereby adjourned to the 25th of September next accordingly. I wish you all well home to your familyes; if any of you think fitt to accompany me in the publication of these Laws before you go out of Town, I think to have them read at the town house this afternoone. ffarewell.

The End of the first Sessions of the fourth Assembly.

THE FOURTH ASSEMBLY SECOND SESSIONS.

At A Council held at ffort William Henry, the 25th *of September*, 1694.

PRESENT— *His Excell* BEN. FFLETCHER, &c.,

FFRED. PHILIPS, STEPH. CORTLANDT, GAB. MONVIELLE, } Esqrs.

CHIDLEY BROOKE, JOHN LAURENCE, } Esqrs.

The Clerk of the Assembly giving His Excell to understand that the Representatives of most of the Countyes were not come to Town according to adjournment,

His Excell prorogued the Assembly till the 27th of September instant & they are hereby prorogued accordingly.

At A Council held at ffort William Henry, the 27th *of September*, 1694.

PRESENT— *His Excell* BEN. FLETCHER, &c.,

FFRED. PHILIPS, STEP. CORTLANDT, GAB. MONVIELLE, } Esqrs.

CHIDLEY BROOKE, JOHN LAURENCE, } Esqrs.

In consideracōn the Representatives were not yet come to Town, and the Speaker being absent, His Excellency was pleased to prorogue the Assembly to fryday the 5th of October next and they are hereby prorogued accordingly.

At A Council held at ffort William Henry the 5th *of October*, 1694.

PRESENT— *His Excellency* BEN. FLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, WILL. SMITH, GAB. MONVIELLE, } Esqrs.

CHIDLEY BROOKE, 2 WILLIAM PINHORNE, 1 WILLIAM NICOLL, JOHN LAWRENCE, PETER SCHUYLER, } Esqrs.

The Speaker being come to Town sick and desiring some time of recesse after his Journey, His Excell adjourned till morrow morning.

At A Council held at ffort William Henry the 6th of October, 1694.

PRESENT— *His Excellency* BEN FFLETCHER, &c.,

STEPHEN CORTLANDT, NICH BAYARD, WILLIAM SMITH, GABRIEL MONVIELLE, } Esqrs.

CHID. BROOKE, WILLIAM NICOLL, WILLIAM PINHORNE, } Esqrs.

The Speaker and the whole house being present, His Excell said:

Mr Speaker and you Gentlemen the Representatives of this Province—

As we parted in friendship and a good understanding the last sessions, in our endeavours for their Maties service and the Countrey, so I hope we are now mett again with the same resolutions to give our joynt assistance.

The first thing I thought to acquaint you with, is my transaccōns with the Indians at Albany since I saw you last; but I referr it to these of the house who were witnesses to all that passed.

The peace they have made with Canida will lay us more open to the enemys designs and its needfull we be more watchfull against them.

I recommend to your care the usuall supplys for Albany and the ffronteers during the winter which is reckoned the time of greatest danger.

I must also tell you that I finde the ill effects of that husbandry we fell upon the last sessions, in abateing four pence from the mens pay. The hire of the labourer and everything else in this Countrey is dear and we cannot gett men to serve for eight pence; two pence halfe penny will not give them shoes to their feet; the rest goes for their victualls; they run away in troops seaven at a time; those men we have from the Jerseys are paid twelve pence a day weekly, which discourages our men; the cold weather comes on; the duty is hard, and they cannot serve barefoot.

Gentlemen,

Their Maties have sent us over ammunicōn and stores with twenty great guns; it is our duty when the king is so gracious to send us them for our own defence, not to lett them ly in the dirt; the least we can doe is to mount them; it will require money.

The soldiers barracks in this ffort were ready to fall down & kill them; the timber rotten and the walls crackt; with advice of the Councill I have ordered them to be pulled down and are now rebuilding; this will fall likewise under your consideracōn.

I desire you will appoint a Committe of your house to joyne a Committe of the Council to view the ffort and what necessary repairs are wanting.

As for the money which you have raised, I would have you see a particular account of the disposition thereof. Their Maties Collr and Recr Generall will be ready on all occasions; it is neither sunck into any private pockett nor disposed to any private use.

I understand the Courts of Justice Established by Act of Assembly are to determine in Aprill next. You know the great need & use of their Establishment and will see cause to continue them; so may withdraw to your house. I pray God direct you.

His Excell ordered the reading of a message from the Assembly brought by Mr John Spratt and Capt Daniel Whitehead giving his Excellency thanks for his favourable speech and desiring a copy thereof.

Ordered, the Clerke of the Council do send a copy of his Excell speech unto the Assembly.

Adjourned to 9th of October 1694.

At A Council held at ffort William Henry, the 9th of October, 1694.

PRESENT — *His Excell* BEN. FFLETCHER, &c.,

STEPHEN COURTLANDT, NICH. BAYARD, GAB. MONVIELLE, } Esqrs.

WILLIAM NICOLL, JOHN LAURENCE, } Esqrs.

His Excellency proposed to send the Clerke of the Council to the Assembly with the originall Letter of Sr William Phipps, and that he do acquaint the Speaker that His Excell hath desired assistance and men from each of the neighbouring Colonies for the defence of the ffronteers, but has no greater ground to expect any from the rest than from Sr William this season; which is ordered accordingly.

The Clerke of the Council returned in answer from the Assembly that the Speaker in behalfe of the house gave thanks to his Excell for his Care of the Government and that they had nothing to offer this forenoone.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 10th *of Octo*r, 1694.

PRESENT — *His Excell* BEN FLETCHER, &c.,

STEPHEN CORTLAND, NICH. BAYARD, CHIDLEY BROOKE, } Esqrs. WILLIAM NICOLL, JOHN LAURENCE, } Esqrs.

His Excell ordered the votes of the Assembly yesterday to be read.

His Excell desired the opinion of the Council whether it be for their Maties service and the safety of the Countrey to offer to the Assembly, that if they will give an encouragement to their Maties forces coming over, to provide fourpence ℔ day as an addicōn to their pay and for other incidents happening to them against their landing, then his Excellency will excuse the Countrey from more detachments for the future and depend wholly upon those forces and what shall be ordered from Connecticutt & the neighbouring Provinces for the defence of the ffronteers.

The Council are of opinion that it is for their Maties service, and that a message be sent to the Assembly forthwith.

Ordered, Coll William Smith and William Nicoll Esqr do acquaint the Assembly That his Excell having ever been sensible of the inconvenience of detaching men for the defence of the ffronteers from this small Province only, hath applyed himselfe to their Maties for recruits of men from England, and hath likewise taken all propper measures for obtaining assistance from the neighbouring Colonies, though these were ineffectuall.

That their Maties have been most graciously pleased to order four hundred men for the defence of this Province with those already here at their Maties charge and the usuall pay, who are daily expected, And that it will be impossible to keep them together in reguard they will not be able to subsist upon the pay allowed them in England, and without some further allowance will certainly desert and the Province be exposed to danger and reduced to the same inconvenience.

His Excell therefore did desire the opinion of the Council whether it be for their Maties service and the safety of the Countrey, to offer to the Assembly that if they will give that encouragement to the forces coming over, to provide fourpence ℔ day as an addition to their pay and for other incidents, as fire, candle, transportacōn, hospitall &c against their landing, then His Excell will excuse them from all detachments of men for the future and depend wholly upon those forces and what shall be ordered from Connecticutt and the Jerseys for the defence of the ffronteers.

Adjourned till morrow morning.

At A Council held at ffort William Henry the 11th *of October*, 1694.

PRESENT — *His Excell* BEN. FLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, GAB. MONVIELLE, } Esqrs. CHID. BROOKE, WILLIAM NICOLL, JOHN LAURENCE, } Esqrs.

His Excell ordered the votes of the Assembly yesterday to be read.

His Excell ordered to Clerke of the Council to desire the Speaker and the whole house to attend him in Council forthwith.

The Speaker and Assembly being present,

His Excell did make mention of their votes yesterday wherein it appears first, that they seem dissatisfyed with the accounts of the Revenue and the disposition thereof;

To which His Excell promised to give full satisfaccōn telling them that he hath never drawn one farthing of the Revenue out of the Recr Genll hands since his arriveall, but by advice and Consent of the Council, saving the Sallary the King allows his Excell and that he will appoint a Committe of the Council, whereof the Recr Genll shall be one, to Concerte with a Committe of the Assembly men to resolve them in any doubts concerning the Accounts of the expense of the Revenue.

Then turning to their votes concerning rebuilding the barracks and mounting the gunns, did acknowledge that those things were to be done at the charge of their Maties revenue in this Province, if there were enough to do it; but in this time of actuall warr the revenue is anticipated by many great & extraordinary charges, a thing usuall everywhere in time of warr, and those works being absolutely needfull for the safety & preservation of the Countrey, it is but reasonable they give some small matter to cause them be effected.

Next, mentioning their vote upon his Excell message to the Assembly yesterday, did show unto them the insignificancy of that which they are now projecting; it being impossible to gett

men to serve at Albany this winter for two pence a day, Or to keep those already there unlesse their pay be raised (they being encouraged to tary heitherto in expectation of what the Assembly will do for them this sessions) Or to keep the men together who are coming over, when they are told there is no money for them after seven years service, and they can step into the neighbouring Province and have better pay.

His Excell did likewise signify unto the Assembly, that although he knew very well how to exercise a strict discipline over men, Yett must confesse it would go much agst his nature to put men to death for running away, meerly from starving by cold weather and nakednesse; it is impossible to do duty on the ffronteers in the winter barefoot, Which they ought to consider if they intend to do anything to purpose; then desired they will go together and be unanimous for the Kings service and their own safety, which is all that is intended by his Excell & Council; for a kingdome divided cannot stand.

Adjourned till 2 a clock afternoone.

At A Council held at ffort William Henry the 11th *of Octo*r, 1694.

PRESENT — *His Excell* BEN FLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, GAB. MONVIELLE, } Esqrs.

CHIDLEY BROOKE, WILLIAM NICOLL, } Esqrs.

The Assembly having appointed a Committe of their house and desired his Excell to appoint a Committe of the Council to concerte with their Committe upon the accounts of the revenue;

His Excell did appoint Col Stephen Cortlandt, Col Nicholas Bayard, Chidley Brooke Esqr and William Nicoll Esqr, A Committe of the Council to conferr with them about the accounts of the disposition of the revenue, to meet at the Custome house at eight a clock to-morrow morning.

Ordered, the Cl of the Council do give the Assembly notice that His Excell has appointed a Committe of the Council to meet the Committe of their house to-morrow morning, and inquire if the house has anything to offer this afternoone to his Excell; who brought answer, meaning they had nothing to offer this afternoone.

Adjourned till Saturday morning.

At A Meeting of A Committe of the Council and Assembly at the Custome house the 12th of October 1694.

PRESENT —

Coll STEPH. CORTLANDT, Coll NICH. BAYARD, CHIDLEY BROOKE, Esqr., WILLm NICOLL, Esqr., } PETER DELANOY, Majr HOWELL, DANIEL WHITEHEAD, } of the Assembly.

Their Maties Recr Generall produced to the Committe his Commicōn for allowance of his salary.

A Copy of his Excell commicōn touching the disposition of the revenue was read and the Recr Genlls Books were laid open for the perusall of the Committe of Assembly for their satisfaccōn.

At A Council held at ffort William Henry the 13th *of October*, 1694.

PRESENT — *His Excell* BEN FLETCHER, &c.,

FFRED. PHILIPS, STEPH. CORTLANDT, NICH. BAYARD, } Esqrs.

CHIDLEY BROOKE, WILLIAM NICOLL, } Esqrs.

His Excell ordered the votes of the house to be read.

The Committe of the Council appointed to conferr upon the Accounts of the disposition of the Revenue do report, that pursueant to his Excells order they did meet with the Committe of the Assembly and did show unto them that Clause of his Excell Commicōn touching the disposition of the revenue, the Recr Genlls Commicōn & all his books & vouchers for their satisfaccōn.

His Excell considering the votes of the house yesterday, wherein the Bill for the raising and paying Eighty men for the reinforcing the ffronteers is ordered to be engrossed, was pleased to declare that he could not undertake the defence of the ffronteers with eighty men this winter, nor under one hundred to be added to those already there, to be paid twelvepence a day with incidents of transportacōn;

That at his Excell last being at Albany he found the forces there ready to mutiny by reason our neighbours allow their men twelve pence a day, and they have but eight pence, and to quiet & keep them from deserting hath promised to use his interest with the Assembly for increasing their pay accordingly;

And thereupon required the opinion of this board what is fitting to be done.

It is the unanimous opinion of the Council that a message be sent from his Excell to the Assembly signifying the same, and that in case the Assembly shall not think fitt to give that reasonable assistance towards the defence of the ffronteers which is necessary, his Excellency must be forced to take such measures for the mantaining the ffronteers this winter, as their Maties Lres Patents do Impower him and the exigency of that affair shall require.

Ordered, Coll Nicholas Bayard and William Nicoll Esqr do deliver this message to the Assembly.

Adjourned till afternoone.

At A Council held at ffort William Henry the 13th *of October*, 1694.

PRESENT — *His Excell* BEN FLETCHER, &c.,

FFRED. PHILIPS, STEPH. CORTLANDT, NICH. BAYARD, } Esqrs.

CHIDLEY BROOKE, WILLIAM NICOLL, } Esqrs.

His Excell caused the answer of the Assembly to the message sent in the forenoon by Coll Bayard & Mr Nicoll, to be read and entered in these words vizt

House of Representatives for the Province of N. yorke
Die Sabati, A. M. *Octor* 13th 1694.

Vpon the serious consideracōn of the message sent down by His Excellency and Council by Coll Bayard and William Nicoll Esqr, This house is humbly of opinion that if his Excellency will be pleased wholly to take of the detachments of men out of this Province and raise one hundred men in the neighbouring Colonies for the reinforceing and securing the ffronteers of this Province at Albany for this winter season, from the primo November next untill the 15th day of March following, that then this house will raise the sume of seven hundred pounds for the paying and mantaining the said one hundred men, so that this Province may be eased and wholly freed from the detachments of men, a thing so greivous to the Province in generall.

By order of the house of Representatives,
HENRY PEIRSON, Speaker.

It is the opinion of the Council that this cannot be received as an answer to the messago sent by His Excell.

Ordered, Coll Steph Cortlandt, Coll Nicholas Bayard, Chidley Brooke Esqr, & William Nicoll Esqr be a Committe of the Council to consider what returne to be made to the Assembly upon this answer.

The Clerke of the Assembly having delivered to his Excell a Copy of this days votes and acquainted that the Assembly are adjourned till munday morning.

His Excell adjourned till munday morning.

At A Council held at ffort William Henry, the 15th *of October*, 1694.

PRESENT— *His Excell* BEN FFLETCHER, &c.,

GAB. MONVIELLE, CHID. BROOKE, WILLIAM NICOLL, } Esqrs.

WILLIAM PINHORNE, JOHN LAURENCE, } Esqrs.

The Committe appointed to consider what returne to be made to the Assembly upon their answer to his Excell message, give their report in these words vizt.

In obedience to an order of his Excell in Council this day,

We have examined and considered the opinion of the Assembly delivered on Saturday in answer to the message then sent them by his Excell and Councill, and do humbly offer—

That we cannot conceive the sd opinion to be any suitable or propper answer to the message sent them in the morning, & that the proposall in the same is very unfitt for his Excellency to comply with, as being impossible with that sume to be effected & wholly inconsistant both with his Excell honour and the defence and safety of the Province.

Which was approved of by the Council *nemine contradicente.* And

Ordered William Pinhorne Esqr and John Laurence Esqr do deliver it unto the Assembly.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 16th *of Octo*r 1694.

PRESENT — *His Excell* BEN FLETCHER, &c.,

FFRED. PHILIPS, STEPH CORTLANDT, NICH. BAYARD, GAB. MONVIELLE, } Esqrs.

CHIDLEY BROOKE, WILLIAM NICOLL, WILLIAM PINHORNE, JOHN LAURENCE, } Esqrs.

His Excellency ordered the reading of the votes of Assembly yesterday, whereby it appeared that immediatly upon their receiving the Report of the Committe of the Council sent them yesterday, they did order the Bill for eighty men and four hundred pounds to be caryed up to his Excell.

Ordered, the Bill for raising eighty men &c be read the first time.

His Excell desired the opinion of the Council if it is propper for him to passe such a Bill into an Act.

Ordered, Coll Stephen Cortlandt, Coll Nich Bayard, Chidley Brooke Esqr and William Nicoll Esqr be a Committe of the Council to consider of amendments of this bill.

Ordered, the sd Bill for raising eighty men be read a second time.

The Committe having agreed upon the amendments of the Bill for raising eighty men &c

Ordered, the said Bill and amendments to be read a third time.

His Excell the Governour and Council do consent to the said Bill with the following amendments vizt—that instead of eighty men, be raised one hundred men; and that there be money levyed to pay them and the others already at Albany from this time forward one shilling a day with the incidents.

Ordered, the Bill to encourage the making of rape and lintseed Oyle, to be read the first time.

Ordered, the Bill for settling Courts of Judicature be read the first time.

The Bill for setling of Courts of Judicature being read,

Ordered, Coll Stephen Cortlandt, Coll Nicholas Bayard, Chidley Brooke Esqr & William Pinhorne Esqr or any three of them be a Committe to consider of amendments to be made in the sd Bill.

Adjourned till morrow morning

Att A Councill held at ffort William Henry, the 17th *of October*, 1694.

PRESENT— *His Excell* BEN FLETCHER, &c.,

FFRED. PHILIPS, STEPH. CORTLANDT, NICH. BAYARD, CHID. BROOKE, } Esqrs.

WILLIAM NICOLL, THOMAS WILLETT, WILLIAM PINHORNE, JOHN LAURENCE, } Esqrs.

His Excell caused the answer of the house to be read, wherein they persist deny any further supply of money and any more men than eighty. Then desired the opinion of the board whether the Bill for the eighty men ought to passe or be rejected: offering that if it passe it will be presidentall to the Assembly for the future to assume unto themselves the sole power of being Judges both of the numbers of men needfull for the defence of the ffronteers and what pay is propper for them &c; if the Bill be rejected what is next to be done to secure the ffronteers?

His Excell did acquaint the Council that he had drawn up something which he did intend to offer to the Assembly and caused it to be read.

Ordered, the Bill for eighty men be read a third time with the Assemblys answer upon the amendments.

The Bill for eighty men being read a third time, It is the opinion of the Council *nemine contradicente* that it gives not a sufficient supply for the preservacōn of the ffronteers & ought to be rejected.

Ordered, the Bill for Isaac Lanser encouragem^t^ to make rape & lint seed Oyle be read a second time.

Ordered, the same Bill be read a third time.

This Bill being three times read the same is assented unto by the Governour and Council without amendment.

Then His Excell signed the sd Bill and ordered it to be enrolled under the seal of the Province.

Ordered, the Clerke of the Council do acquaint the Assembly that his Excell hath passed the Bill for making rape & lint seed Oyle into an Act, And that his Excell commands the Speaker and the whole house to attend him forthwith in Council which was done.

The Speaker and the Assembly being present,

His Excell did affirme the great care and affection he had for the wellfare & safety of the Province; that he had put in writeing what he hath now at present to say to them & ordered to be read as followeth:

Mr Speaker and you Gentlemen of the Assembly—

The message you sent me on Saturday last cannot be allowed an answer to what I have proposed to you for the Safety of this Province; it bears a very unsuitable returne to the favours their Majesties have graciously cast upon us at this time when they are soe many weighty affairs in hand and their expenses so great.

I did always look upon the detachments to be a heavy burthen more greivous than the taxes; it depopulates the Countrey.

To lighten the weight or remove it if possible, I have with an humble vigour represented yor case to their Maties for assistance from the neighbouring Colonies and received their gracious Letters and Commands to that end, and pursuant to them I have wrott letter after letter to the respective Governours, but the successe has not answered my endeavours; only the Jerseys have generously complyed & sent us both men and money.

Being defeated in my hopes and expectation of supplyes from the adjacent Colonies, I then applyed myself to their Majestyes, not only for arms and stores of warr, but men to compleat those two Companyes and to make a standing force of four hundred men for the security of this Province and to ease them of this great pressure, Detachments. To which applicacōn their Maties were pleased to condescend, notwithstanding the vast charges they are att in mantaining their ffleet and army.

Their Mat^ies^ pay is but eight pence a day this Countrey money; so much English in England Ireland or ffllanders enables a private souldier to live better. as to meate drink and cloaths, than twice that sume will doe in this Province, and I am taught by experience that those men now upon the way to our releife, can never be kept together for that pay; they will be told so soon as they land that in seven years service there is no money for them, not so much as to buy shoes, stockins and shirts; how can they passe upon duty without those conveniencyes or indeed how can they live; two pence sterling is stopt from them in the pay office, five pence half penny here for provision; what remains is quickly summed up.

I did propose therefore that you would consider to advance four pence a day for their encouragement and a suitable fund to defray the incidents of bedding, barracks, transportation, hospitall, fire, candle &c or if it be more agreeable to yor thoughts, follow the good example of Barbados, Antegua, Nevis &c. who in gratitude to their Maties favour and kindnesse have raised a sume to defray all the quarters of both officers and souldiers sent to their releife, though the money there is more valuable than ours considerably. I have shown Mr Speaker their Maties Establishment for these men and am well assured they are now on their way.

I cannot easily and on the suddain apply myselfe to their Maties for fresh succours, nor know how to excuse yor ingratitude, if after all my endeavours for your safety and to ease you from detachments which you say are so greivous, you will frustrate what has cost so much pains to bring to this fair issue.

If the Province suffer by your neglect, wilfullnesse or stubbornnesse, I shall wash my hands clean from all the evill consequences.

And to conclude, you must allow that I am their Maties Captain Generall, by the same power that you are called to Act as an Assembly; and as I have been tender of your priviledges, so I shall endeavour to preserve my own, and since you take no notice of my former proposall, I must tell you once more, I cannot lessen the number of one hundred men added to those already there, there being the same reasons for it as we had the last year. The enemy is stronger, we ought not to weaken our own hands; if you'le open the gates to the enemy, I will put no hand of mine to so vile a worke, and therefore desire you will raise twelve pence a day for the hundred men and to make up the pay of those already there to be twelve pence from this time forward, without which they cannot subsist.

Adjourned till morrow morning.

Att A Council held at ffort William Henry, the 18th *of Octo*r, 1694.

PRESENT — *His Excell* BEN: FLETCHER, &c.,

STEPH. CORTLANDT,	Esqrs.	WILLIAM NICOLL,	Esqrs.
GAB. MONVIELLE,		THOMAS WILLETT,	
CHID. BROOKE,		WILLIAM PINHORNE,	

His Excell ordered the votes of the house yesterday to be read.
Adjourned till morrow morning.

Att A Councill held at ffort William Henry, the 19th *of Octo*r, 1694.

PRESENT — *His Excell* BEN. FLETCHER, &c.,

NICH. BAYARD,	Esqrs.	WILLIAM NICOLL,	Esqrs.
GAB. MONVIELLE,		THOMAS WILLET,	
CHIDLEY BROOKE,		WILLIAM PINHORNE,	

His Excell caused to be read the votes of the house and the answer of the Assembly to his Excells last speech to them, which was prepared by a Committe of Assembly, approved by the whole house and sent up to his Excell; which his Excell referred to the consideracōn of this board.

Chidley Brooke Esqr delivered in the state of the taxes in a scheme.

Ordered, the Clerke of the Council do deliver to the Assembly the present State of the taxes given in by the Recr Genll, and acquaint the Assembly that the Council have under consideracōn their returne to his Excells last speech, and that their opinion thereof will be signifyed to the Assembly in writeing by two a clock this afternoone by Chidley Brooke Esqr & William Pinhorne Esqr.

The Council having considered the report of a Committe of the Assembly, Signed Peter De La Noy Chairman, and approved by the house, then sent up to his Excell

It is the Opinion of this board that the manner of expressing thankfullnesse is more propper by gratefull accōns than bare words, and without all doubt more acceptable to their Maties, satisfactory to his Excell and more effectuall for the security of the Province.

It is true that the allowance of eight pence a day has been usuall and that of twelvepence has alsoe been used; nor has eighteen pence a day some time been thought too much; the price of cloaths and other necessaryes being inhanced, the wages of mechanicks and comon Labourers much raised, due reguard ought to be had of a proporcōnable increase in the reward & subsistance of Souldiers, who are to ly upon the ffronteers where other imployment for them is not to be found.

That the money already raised in the Province has neither been burthensome nor the Colony thereby impoverished; having been spent and consumed within the same: but the necessity of Detachments has much weakened & depopulated the Government.

That by God's blessing upon the endeavours have been used, this Province since the settlement of the Government by the Crown, has suffered no considerable spoile from the enemy; a happinesse some of our neighbours who have been at much greater expense have not enjoyed.

The inconvenience which is found by allowing the men only eight pence a day, is the reason twelve pence has been required; it is practised by some of our neighbours & others allow more, and the encouragement mencōned relates only to those who are mercenaryes; those whose circumstances obleige to go in person reap no advantage thereby.

This board doth not conceive that (Excepting the ffronteers of Albany &c and the losse the Province sustains by the departure of its youth for fear of detachments,) we are any ways debilitated by the warr, but absolutely as able if we were willing to pay the men twelve pence as eight pence a day; that the winter approaches and what the Assembly think fitt to do ought to be done quickly; and if any misfortune should happen (which God prevent) for want of men or the increase of their pay, the fault can neither be imputed to His Excell nor this board.

And that since the Assembly have no more regard to his Excellencys proposall for easing the Countrey of detachments which have been so greivous, and that they agree to the raising One hundred men for the defence of the ffronteers, they be desired to proceed to prepare that Bill and to provide to pay them twelve pence a day and for other incidents. Which is approved of by his Excellency and

Ordered, A Copy thereof be delivered to the Assembly by Chidley Brooke Esqr & William Pinhorne Esqr, and that they desire the Assembly to proceed accordingly without further losse of time.

Adjourned till morrow morning.

Att A Council held at ffort William Henry the 20th *of October*, 1694.

PRESENT— *His Excellency* BEN FLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, GABRIEL MONVIELLE, CHIDLEY BROOKE, } Esqrs.

WILLIAM NICOLL, THOMAS WILLET, WILLIAM PINHORNE, JOHN LAURENCE, } Esqrs.

His Excell ordered the votes of the Assembly yesterday to be read.

It appearing by the votes of the house that the money the Assembly propose to raise for the hundred men, will fall short of their pay and incidents at eight pence a day,

Ordered, William Nicoll Esqr do immediatly go to the Assembly and informe of this computation to save time.

Majr Howell from the Assembly, brought up a Bill for the raising of one hundred men & five hundred pounds for the reinforcement of Albany for four months and one halfe, together with a message in answer to that by William Nicoll Esqr concerning the computation, whereby they promise to raise tenn pounds more to compleate the charge the next sessions of Assembly; & prayed this Bill may be accepted at present in consideracōn it is engrossed and ready.

Ordered, this Bill be read the first time.

Ordered, Coll Steph Cortlandt, Coll Nich Bayard, Chidley Brooke Esqr, William Nicoll Esqr & William Pinhorne Esqr be a Committe of this board to consider what papers and messages passed between his Excell and Council & Assembly this sessions are propper to be printed & published for the satisfaccōn of the people.

Ordered, the Bill for one hundred men &c be read a 2d time.

His Excell ordered their Maties letter concerning the rebuilding the Chappell in the fort to be read, and desired the opinion of the board.

It is the opinion of the Council, it be recommended to the Assembly forthwith, and that they be desired to provide for the rebuilding the Chappell according to the intent of the said Letter.

Ordered, William Nicoll Esqr do carry the said letter and desire the answer of the Assembly in writeing to be returned with the Letter.

His Excell the Governour & Council do consent to the Bill for the raising one hundred men with this amendment:—

That in the beginning thereof, insteade of the Representatives convened in Genll Assembly taking into their consideracōn the necessity of reinforceing the ffronteers; be inserted, taking into consideracōn that part of his Excells speech for the reinforcing &c

Adjourned till the 22th of Octor instant.

Att A Council held at ffort William Henry the 22th *of Octor*, 1694.

PRESENT— *His Excell* BEN FFLETCHER, &c.,

FFRED. PHILIPS, STEPH. CORTLANDT, NICH. BAYARD, GAB. MONVIELLE, } Esqrs.

CHID. BROOKE, WILLm NICOLL, WILLIAM PINHORNE, JOHN LAURENCE, } Esqrs.

The Bill for the raising one hundred men &c. was ordered to be read a third time; being amended and agreed unto by the Assembly, then enacted & ordered by His Excell to be enrolled under the seal of the Province.

Resolved, the said Act be forthwith published and the Assembly be sent for to attend the publication;

Which was ordered accordingly.

After the publication of the Act for raising one hundred men &c and the Act for the encouragement of Isaac Lanser, to make rape & linseed Oyles within this Province, His Excell returned with the Council and ordered the reading the vote of the Assembly concerning the rebuilding the Chappell, and the Kings Letter.

The vote of the Assembly concerning the rebuilding the Chappell in their Maties ffort being read, it is the result of this board that the message sent on Saturday last with his Maties Letter was not to entreat the advice of the Assembly in what method his Excell should proceed in effecting his Maties pleasure, but to know of the Assembly what they will contribute, in pursueance of that letter, towards so good a worke by establishing some fund for that purpose; it being the opinion of this board that the most loyall and propper way for all their Maties subjects freely to contribute, is by Act of Assembly.

And that his Excell will please to lett them know the same, and desire their plain answer thereupon; which is ordered accordingly, and that Col Steph Cortland & William Pinhorne cary down this message to the Assembly.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 23th *of Octo*r, 1694.

PRESENT— *His Excell* BEN FLETCHER, &c.,

COL. STEPHEN CORTLANDT, GAB. MONVIELLE, CHIDLEY BROOKE, } Esqrs. WILLIAM NICOLL, WILLIAM PINHORNE, } Esqrs.

Ordered, the votes of the house yesterday be read.

Ordered, The Clerk of the Council do attend Mr Speaker to know if there be any thing to be offered to his Excell in Council this forenoon.

The Speaker made answer that they had prepared a Bill which was read two times & ordered to be engrossed, and would be in readynesse to be sent up against two a clock this day.

Adjourned till 2 a clock afternoone.

At A Council held at ffort William Henry, the 23th *of October*, 1694.

Afternoone.

PRESENT— *His Excell* BEN FLETCHER, &c.,

COL. STEPHEN CORTLANDT, GAB. MONVIELLE, CHIDLEY BROOKE, } Esqrs. WILLIAM NICOLL, WILLIAM PINHORNE, } Esqrs.

Majr Pell from the Assembly delivered to his Excell in Council a Bill Intituled, A Bill for continuing the additionall duty for one year longer for the raising 600£ towards the rebuilding the Chappell and mounting of sixteen great gunns &c.

Ordered, the sd Bill be read the first time.

Ordered, A second reading.

His Excell desired the opinion of the board whether to adjourn, prorogue or dissolve the Assembly.

The Council give their opinion that the Assembly be prorogued till the first of March next, which they humbly submitt.

Ordered, the Bill for continueing the additionall duty &c be read a third time.

His Excell the Governour & Council do consent unto the sd Bill being three times read, without amendment.

His Excell ordered the Cl. of the Council to tell Mr Speaker that His Excell commanded the Speaker and the whole house forthwith to attend his Excell in Councill Chamber.

The Speaker and Assembly being present,

His Excell signed to the Bill for continuing the additionall duty for one year longer &c; Enacting it & ordered it to be enrolled under the seal of the Province Then told them that this Act being their kindnesse to their Maties, in obedience to the Kings Letter, he was obleiged as a faint Representative of so great a Prince, to returne thanks for it; wishing they had expressed their kindnesse earlyer, and after many arguments used to diswade the Assembly from groundlesse jealousyes & ill opinions conceived by mistakes against their Superiours, and of the misapplication of the Revenue; did perswade them to be unanimous and to have a good understanding with the members of Council who were all interested in the prosperity and welfare of the Countrey as much as any of them; and wished that as they are now to part in love & friendship, so they meet again with a joynt resolution for their Maties service & the prosperity of the Countrey. Then prorogued the Assembly to the first of March next ensueing.

the end of the 2d Sessions of ye 4th Assembly.

FOURTH ASSEMBLY THIRD SESSIONS.

At A Council held at ffort William Henry, the 21th *day of March*, 169⅘.

PRESENT— *His Excell* BEN FLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, CHID. BROOKE, } Esqrs. WILLm NICOLL, JOHN LAURENCE, } Esqrs.

His Excell understanding that there was not a full house did adjourn to the 23th of March instant.

At A Council held at ffort William Henry, the 23th *of March*, 169⅘.

PRESENT— *His Excell* BEN. FLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, GAB. MONVEILLE, CHID. BROOKE, } Esqrs. WILLm NICOLL, JOHN LAURENCE, CALEB HEATHCOTE, } Esqrs.

His Excell required the Clerke of the Council to go to the Assembly and in his Excell' name command the Speaker and the whole house to attend his Excell forthwith in the Council Chamber.

The Speaker and the whole house being present, His Excell said :

Mr Speaker and you Gentlemen the Representatives of this Province—

I have often affirmed an undisputable truth that my coming to this Government was in obedience to their Maties commands not my own choice or seeking.

Neverthelesse since my arriveall I have with all possible addresse applyd my selfe to effect the safety, liberty, concord and ease in all respects of their Maties subjects under my direccōn.

The burthen of detachments has been almost unsupportable ; a heavy greivance ; this I have endeavoured to lighten by supplys from England, in which Their Maties have been graciously pleased to favour my humble desires, and that the full complement is not yet come must be attributed to that Providence which all mankind ought with humility to submitt to, and not in the least to want of their Maties gracious condescention to my solicitous and repeated requests in behalfe of this Province, or defects of any fit applicacōn on my part to attain the desired end.

In disposall of the money raised by Act of Assembly for defence of the ffronteers, I have used an unpresidented caution, plainnesse and integrity; not fingering any farthing my selfe ; disposing of none but by advice and consent of Council and exposing to your view and examination, not only the most minute accounts of the disbursements, but the muster rolls also ; which office of muster Master is executed by a member of your house so that nothing is hid from you.

If this my care diligence and openness had met with a suitable reception and confidence, I have not the least doubt but this Colony had found the security and ease I intended and soe earnestly endeavoured. I am sorry to justify myselfe by a necessity imposed on me of charging whatever is deficient on the wilfullnesse or neglect of others.

I will not enlarge especially upon any thing which may seem harsh, though accompanyed with never soe much truth.

The Cheife matters you are called together for are two ; the first is the defence of the ffronteers and of our Indians. You cannot be ignorant that money is wanting to pay those garrisons Albany and Schenectady ; other places must be fortifyed upon this nearer approach of the ffrench to Cadaracqui.

I lay before you the last accounts from those parts ; if there be not a speedy care taken for releife and assistance to those Indians, their losse will prove ours.

The other matter fitt for your consideracōn is the debts of the Government, occasioned by the many unforeseen occurrencyes and accidents in this time of warr.

I hope as I have not been wanting in all points of good husbandry, soe you will doe your duty in enabling their Maties to preserve their rights and the lives and propertyes of their subjects in those parts and that they who have given faith to the Creditt of the Government upon all its emergencyes, may be justly and speedily paid.

Those I earnestly recommend to you and that you will give such dispatch to those urgent affairs as their absolute necessity and the season of the year requires.

Then the Speaker and the whole house withdrew to their house.

His Excell ordered the Clerke of the Council to go inquire of Mr Speaker if he think the Assembly will have anything to offer this forenoone, and to what time he thought to adjourn the house; which was done and the Cl of the Council returned with Peter De Lanoy and Majr Howell from the Assembly, to acquaint His Excell that there will be nothing offered by the house to his Excell this day, and that the Speaker did intend to adjourn till 8 a clock munday morning. And they did desire a copy of his Excells speech to the Assembly, which was given them.

Adjourned till the 26th of March 1695.

At A Council held at ffort William Henry, the 26th day of March, 1695.

PRESENT— *His Excell* BEN FLETCHER, &c.,

STEPH. CORTLANDT, GAB. MONVIELLE, CHID. BROOKE, } Esqrs.

WILLIAM NICOLL, CALEB HEATHCOTE, } Esqrs.

Majr Rutsen and Mr Blackwall from the Assembly brought a message desiring a Committe of the Council may be appointed to conferr with a Committe of the Assembly concerning the security of the ffronteers.

His Excell did appoint Coll Steph Cortlandt, Lt Coll Gab Monvielle, Chidley Brooke Esqr, William Nicoll Esqr, and Coll Caleb Heathcote to joyne the Committe of the Assembly and conferr about supplyes for the security of the ffronteers to meet this day.

Ordered, Lt Coll Gab. Monvielle deliver this minute to the Assembly.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 27th day of March, 1695.

PRESENT— *His Excell* BEN FLETCHER, &c.,

NICH. BAYARD, GAB. MONVIELLE, CHID. BROOKE, } Esqrs.

WILLIAM NICOLL, JOHN LAURENCE, CALEB HEATHCOTE, } Esqrs.

The Committe appointed to meet the Committe of the Assembly did report, That in obedience to his Excells Commands they have acquainted the Committe of the Assembly of the necessity to secure the ffronteers and there will be supplyes wanting for 200 men for one halfe year at least.

His Excell ordered to be read a message from the Assembly whereby they desire to have the musterrolls of the two last detachments sent down to them, and his answer thereunto that the muster master is at this juncture absent in their Maties service upon the ffronteers, so that his Excell cannot at present show the musterrolls; therefore his Excell desires they will proceed to the raising a supply for the ffronteers for two hundred men as formerly desired.

Adjourned to fryday the 29th of March 1695.

At A Council held at ffort William Henry, the 29th day of March, 1695.

PRESENT— *His Excell* BEN FFLETCHER, &c.,

STEPH. CORTLAND, NICH. BAYARD, GAB. MONVIELLE, } Esqrs.

CHIDLEY BROOKE, JOHN LAURENCE, CALEB HEATHCOTE, } Esqrs.

His Excell sent the Cl of the Council to inquire if the Assembly had anything to offer to his Excell and Council this day; who returned in answer, that there was nothing to be offered this forenoone.

Adjourned till the second of Aprill.

At A Council held at ffort William Henry, the 2d of Aprill, 1695.

PRESENT — *His Excell* BEN FFLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, CHID. BROOKE, WILLIAM SMITH, } Esqrs.
WILLm NICOLL, WILLm PINHORNE, CALEB HEATHCOTE, } Esqrs.

His Excell commanded the votes of the house yesterday to be read in Council, and an Addresse of the Assembly, to be adjourned untill such time they have the perusall of the musterrolls.

His Excell demanded the opinion of this board if it be propper or convenient for their Maties service to adjourn the Assembly untill they can have the perusall of the musterrolls, and if it be needfull for the Assembly to see the musterrolls before they proceed to raise supplyes to secure the ffronteers, the time being so neer at hand for releiving the fusileers now upon service, to be discharged the first of May next.

This board *(nemine contradicente)* are of opinion that their demand is impropper, and that the Assembly ought without further delay proceed to provide for the security and defence of the Province a suitable supply.

His Excell commanded a message which he did intend for the Assembly to be read in *hec verba*, sc.

1 Message. *Gentlemen.*

I have acquainted this house the necessity and urgency of a present supply for the defence of the ffronteers, which has not mett with that consideracõn the weight of the affair requires and the season presses.

I am as solicitous for the ease and prosperity of this Province, as any particular member or the whole Assembly can be. I know its strength and capacity and what contributes to its Weaknesse and Greife.

I shall be always ready to expose my life for its safety and preservacõn; therefore I think it my duty to put you in mind that a supply for guard of the ffronteers, is of farr greater moment and consequence than any other matter the house can have under their thoughts; and merits your outmost care and diligence.

I desire to know what I may expect; that if money cannot be raised to subsist and pay those men, I have or shall procure without detachments, I may proceed to draw such officers and men out of the militia of this Province as may answer the end of my desire; the prosperity and security of their Maties subjects under my care.

His Excell did likewise command his answer to the Addresse of the Assembly yesterday to be read in *hec verba* ss.

Gentl. In answer to your Addresse to me yesterday, whereby you desire to be adjourned until such time as you can have the perusall of the musterrolls, I have this morning thought fitt to lay it before the Gentl of the Councill, who are all of opinion that such adjournment is impropper and that the perusall of the musterrolls cannot affect your proceeding to the raising of supplyes that are now wanting for the defence of the ffronteers the ensueing year.

And forasmuch as the time of releife of the fusileers draws neer, I again desire you will proceed to the raising supplyes without further delay.

The Council do unanimously approve of his Excells message and answer to their Addresse; and it is ordered, Coll William Smith and William Nicoll Esqr do deliver them to Mr Speaker forthwith.

Adjourned till morrow morning.

At A Council held at ffort William Henry the 3d of Aprill, 1695.

PRESENT— *His Excell* BEN FLETCHER, &c.,

NICH. BAYARD, WILLm SMITH, GAB. MONVIELLE, } Esqrs.
CHID. BROOKE, WILLm NICOLL, WILLm PINHORNE, } Esqrs.

His Excell commanded the votes of the house yesterday to be read in Council, and having found thereby that the Assembly run upon a mistaken notion of a surplusage of former taxes, desired the opinion of the Council to send a message to them, to give them a better understanding,

that they may make quicker dispatch to raise supplys for securing the ffronteers; then his Excell commanded the reading thereof in *hec verba*, ss.

2 Message. *Gentlemen*,

I have perused the votes of your house yesterday, and to prevent mistakes or losse of time, must recommend to you that whatever publick moneys are raised is immediately as such vested in their Majestyes, and may not be otherwise disposed of nor in other manner than their Majestyes Letters Patents direct.

The surplusage of the taxes are wholly uncertaine, they being not received; there alwayes are insolvencyes till the officers and men are paid and incidents defrayed (which ever prove more than is expected), no reasonable guesse can be made what it will amount to, nor by probable computation can I think there will be any, but on the contrary, a want of money; however if there should be any surplusage, I do promise and assure you, every part of it shall be applyed to the use it is raised for and no other.

I heartily wish and shall constantly endeavour to ease this Province in every thing that is prejudiciall or burthensome to it; but cannot think, a thousand pounds sufficient for the service.

The charge of the defence of the ffronteers for this last year, will be upward of four thousand pounds, and the Inhabitants were detached. Upon inquiry made, I do not finde the taxes have at any time been nigh so greivous as the detachments.

I therefore judge the Province being eased from that burthen, might frankly give four thousand pounds this year; it being wholly for its own preservacōn and defence and to no other end.

The Council do very well approve thereof, and thank his Excell for his care and diligence.

Ordered, Lt Coll Monvielle & William Pinhorne Esqr do deliver this message to Mr Speaker in Assembly.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 4th of Aprill, 1695.

PRESENT— *His Excell* BEN FFLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, WILL^m SMITH, CHID. BROOKE, } Esqrs.

WILLIAM NICOLL, WILLIAM PINHORNE, CALEB HEATHCOTE, } Esqrs.

His Excell commanded the votes of the Assembly yesterday to be read, and it appearing that the Assembly persist to refuise the raising of more money than one thousand pounds to secure the ffronteers for six months;

His Excell demanded the opinion of the Council what may be propper to be Offered to them.

His Excell ordered the musterrolls to be brought, and laid them open for the Council to peruse.

His Excell did appoint Coll Steph Cortlandt, Coll Nich Bayard & the Accomptant Gen^ll to State the account of the four Companys according to the musterrolls, and to finde out what surplusage there is, and make report to his Excell in Council to morrow.

The Council do humbly offer their opinion to his Excell, not to send any further or other message to the Assembly untill his Excell have the perusall of that bill they are now framing, which may be soon expected.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 5th of Aprill, 1695.

PRESENT— *His Excell* BEN FLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, WILL^m SMITH, GAB. MONVIELLE, } Esqrs.

CHID. BROOKE, WILL^m NICOLL, WILL^m PINHORNE, } Esqrs.

His Excell commanded the votes of the Assembly yesterday to be read.

The Gentlemen appointed yesterday to examine the musterrolls and compute the surplusage so much insisted upon by the Assembly, did report: That upon a strict examination of all the musterrolls and the necessary charges and disbursements ariseing upon the taxes, they do finde that when all the arrearages of the taxes are come into the Receiver Generalls hands, and disbursed again to the propper uses, there will be wanting the sume of one thousand and

twenty three pounds, three shillings, three farthings to pay of the sd forces now upon the ffronteers and their incidentall charges the first of May next. Which report was approved by the Councill.

His Excell did appoint Coll Steph Cortlandt, Coll Nich Bayard, Coll William Smith, Chidley Brooke Esqr, William Nicoll Esqr and Coll Caleb Heathcote a Committe of the Council to conferr with a Committe of the Assembly to be thereunto appointed sometime this day, to give them the true informacōn of the state of the taxes and the many disbursements that are absolutely necessary, happening by the fusileers from time to time upon the ffronteers of this Province.

Ordered, the Clerke of the Council do deliver to Mr Speaker a Copy of this minute, and desire him to appoint a Committe of the Assembly to meet the Committe of the Council for that purpose.

Adjourned till after the meeting of the Committes this morning.

At A Council held at ffort William Henry, the 5th of Aprill, 1695.
Eight a clock at night.

PRESENT— *His Excell* BEN FLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, WILLm SMITH, CHID. BROOKE, } Esqrs.

WILLm NICOLL, WILLm PINHORNE, CALEB HEATHCOTE, } Esqrs.

The Committe of the Council did report to his Excell That pursueant to his Excells Commands they did meet tenn of the Members of Assembly, about the hour of five, and have endeavoured to informe them that there is no surplusage, and have offered to give demonstracōn thereof by exhibiting to them a scheme of the whole taxes and disbursements, whereby it plainly appears that there is the sume of £1023 : 3 : 10¾ : wanting (when all arrearages are received and disbursed to the propper uses) to pay off the present forces at Albany, with the incidents, and the sume of two hundred and sixty four pound, twelve shillings & sixpence more, wanting to pay a Town Majr at Albany, Commissary of musters, Commissary of Provisions, Chirurgeon, Armourer, and a Chirurgeon's mate at Schenectady; which they refuised to look upon or examine.

That for further satisfaccōn, the Committe of the Council did presume to send to his Excell for the musterrolls which His Excell was pleased to send. That they did make an abstract of them, and tendered it to Peter DeLanoy, with the originalls, offering to compare them with him, that they may be satisfyed of the truth of the abstract and cary it for the satisfaccōn of the whole house; but they all refuised to look upon them, saying: that the scheme of the taxes was the ballances of accounts and not accounts themselves, and that though they beleive there is a voucher for every article which hath passed the Council board, they cannot creditt the Council; and if his Excell appoint more officers than they make provision for, or detaine the fusileers longer in service, he must pay them himselfe.

The Committe of the Council did acquaint them that the reason the men were detained longer in the service was, that at the time of releife his Excell had intelligence of the Enemys marching against Albany, and the slownesse of the detached men who are some a month, some six weeks after the time prescribed in the Act of Assembly & appointed by his Excell, and there being daily occasion of sending out partys to range the woods and defend out farmes, his Excell is the sole judge of the number of officers needfull for the service, & they ought to be paid.

His Excell commanded the Bill brought up from the Assembly, for the raising one thousand pounds for the security of the ffronteers for six months with surplusages &c, to be read. Then put it to the vote, if that be a sufficient supply for the ffronteers? Caryed in the negative.

It is the Opinion of the Council, that the preamble of the bill is impropper, and that provision made in the latter end thereof, whereby they intend to cut off from his Excell the power of detaching men, cannot be assented unto, being in direct repugnancy to their Maties Letters Patents.

His Excell was then pleased to offer, that seeing the sume offered by the Assembly will not defray the arrears (so is no supply for the ffronteers) and it is the opinion of the Council that His Excell cannot assent to any bill in that forme; the time is at hand for the dischargeing of the fusileers now at Albany, it being a matter of great moment, recommended to their consideracōn if it may be propper for his Excellency to issue forth his orders signifying what care he hath taken to ease the countrey of detachments, and how it comes to be defeated by the Assembly, and proceed to command the militia to march at their own charge, to defend the ffronteers.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 6th day of Aprill, 1695.

PRESENT— *His Excell.* BEN FLETCHER, &c.,

NICH. BAYARD, WILLIAM SMITH, GAB. MONVIELLE, WILLm NICOLL, } Esqrs.

CHID. BROOKE, WILLm PINHORNE, CALEB HEATHCOTE, } Esqrs.

His Excell did desire to know the opinion of the Council; then recommended to them to consider well of it if there be any other method left for his Excell than to publish reasons for rejecting the bill and proceed to detach the militia by virtue of his Excell power of Capt Generall, and adjourned till munday morning.

At A Council held at ffort William Henry, the 8th day of Aprill, 1695.

PRESENT— *His Excell* BEN FLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, WILLm SMITH, WILLm NICOLL, } Esqrs.

WILLm PINHORNE, JOHN LAWRENCE, CALEB HEATHCOTE, } Esqrs.

The Council having well considered what his Excell did recommend to them on fryday evening and Saturday forenoon, had conceived their opinion in writing, and advise his Excell to reject the Bill; which writing followeth in these words, viz'—

In obedience to your Excellency's Commands, We humbly offer our opinion to reject the Bill for a supply to defend the ffronteers at Albany for six months, for the Reasons following—

1. For that in the preamble of the said bill is expressed, that their Maties have been graciously pleased to grant Supplys to this Province, especially for the defence of Albany; when indeed their Majestyes have not designed nor directed any certain service for those forces, they have been graciously pleased to send to this Province; but have committed that to the direction of their Captain Genll here; by any thing we have seen or do know.

2. For that in the said bill is given certain surplusages of taxes which upon due inspection into the accounts, receipts and payments and insolvency's thereof, viewing the musterrolls, the incidentall charges and the severall officers pay, by a scheme that has been drawn out of that matter, and the exactest computation that can be made, it appears to us that there will not only be found no surplusages, but that to defray and pay the men, Officers and incidentall charges accrueing on that service and to be paid by those taxes, there will be an arrearage, or want, of neer thirteen hundred pounds as by the said Scheme and an abstract of the musters has been shown to a Committe of the Assembly.

3. For that the thousand pound given by the said Bill will by no means extend to the raising and support of such a number of men with their propper Officers as will be absolutely necessary to secure the ffronteers this summer; And for that no men can be raised in this Province without detaching the militia, unlesse there be fourty shillings levy money for each, and twelve pence a day which with the propper Officers and incidentall charges, will not raise and mantain one hundred men for more than three months and tenn days; whereas the present circumstances of the Indians of our Allyance with their Maties Enemys of Canida, is duely considered, we do humbly conceive the guarding of the ffronteers will this summer require rather a greater then a lesser force than has been imployed in that service the years past, without which it is not reasonable to be expected that our Indians will continue firme, our strength appearing lesse and our Enemy approaching neerer.

4. For that the last clause in the said bill restrains the Captain Generall from making any detachments during the time of the service in the bill expressed, We are humbly of Opinion it is not to be allowed, for that it seems to divest the Captain Generall of the power of the militia; and therefore ought not to be inserted in any Bill or Act.

However, if it shall appear to your Excellency just and reasonable to give the Assembly such assurance otherwise (as you have already sufficiently to this board) upon their enabling your Excell to guard the ffronteers without detachments, your word and Honour ought to be taken for good security in that matter.

We are humbly of opinion that if the said bill had given a thousand pound towards the service therein mencōned, without inserting the matters above excepted against, it might be accepted and applyed accordingly. Which is humbly submitted

By yor Excell^s Obedient Servants,

S. V. Cortlandt	Caleb Heathcote	Chid. Brooke
Nich Bayard	W. Nicoll	W. Smith
John Laurence	G. Monvielle	W. Pinhorne

The same was read by his Excell^s Command and approved of by his Excell.

Ordered, Lt Coll Monvielle & John Laurence Esqr do deliver a Copy thereof to the Assembly.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 9th of Aprill, 1695.

PRESENT— *His Excell* BEN FLETCHER, &c.,

STEP. CORTLANDT,	Esqrs.	WILL^m NICOLL,	Esqrs.
NICH. BAYARD,		WILL^m PINHORNE,	
CHID. BROOKE,		CALEB HEATHCOTE,	

His Excell having drawn up a message to the Assembly to demand their ultimate answer concerning suitable supplyes for the ffronteers, ordered it to be read in *hec verba* sc.

3. *Gentlemen*,

Yesterday, by two of the Council, I sent to your house the reasons offered me by this board why the bill you sent up heither (in the manner it was designed) could not passe; it contains severall matters inconsistant with truth, the trust by their Majestyes reposed in me and the end for which its mencōned to be made.

If you please to enable me to pursue my desires (the safety and ease of the Province), you shall not find me wanting in giving all fitting assurance that I will not detach a man & yet (by Gods assistance) will secure the fronteers; but if by your mistrust and tenacity in withholding just and reasonable supplys, I am necessitated to burthen the Province by drawing such part of its militia to guard the ffronteers as I shall judge requisite, the greivance apparently lyes at your door and cannot without the highest abuse to truth be imposed on me.

You have sat a great while; considering how litle has been done for their Maties service or the good of the countrey. The first of May draws neer when (without immediate care) the ffronteers will be left naked. The enemy has been already there, & when they know our weaknesse, will undoubtedly take their measures accordingly. I therefore send this to know forthwith, your ultimate resolve, that if you will not assist me in preserving the Province, I may take such methods as my duty commands, and their Maties Letters Patents impower me to use.

Being read, it was approved of, and William Pinhorne Esqr and Coll Caleb Heathcote are desired to bear the message to the Assembly.

Adjourned till morrow morning.

The Assembly having (after the breaking up of the Council) addressed his Excell to know what particulars are inconsistent with truth and the trust reposed in his Excell in the Bill;

His Excell by the Clerke of Council returned this Answer vizt

4. *Gentlemen*,

In answer to the addresse sent me this morning, I let you know, that if you peruse and consider the minute of Council sent you by Mr Laurence and Lt Coll Monvielle, which you take notice of in yor yesterdays votes, you may discern the particulars are inconsistent with truth and the trust reposed in me.

At a Council held at ffort William Henry, the 10th *of Aprill*, 1695.

PRESENT — *His Excell* BEN FLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, CHID. BROOKE, } Esqrs.
WILLm NICOLL, WILLm PINHORNE, CALEB HEATHCOTE, } Esqrs.

His Excell commanded the Votes of the house yesterday to be read.

His Excell ordered a message intended for the Assembly to be read, that he may have the opinion of the Council thereof in *hec verba*, sc.

5. *Gentl*

Yesterday you desire to know of me what is contained in your Bill inconsistent with truth and the trust reposed in me; whereupon I referred you to the opinion and reason offered me by the Council for rejecting the Bill (a copy whereof we sent you); you positively asserted what now you make a supposition, and a surplusage where there is none; a thousand pounds will not answer the end I proposed.

I can never passe a Bill to divest my selfe of the military command reposed in me by their Maties.

I have done my outmost endeavours for assistance to this Province, and to ease it from detachments as I have plainly told you in my speech; and have good prospect of obteining my end (which is your ease and security), unlesse you do persist to defeate my good intentions.

You have no reason to have the least conjecture that I should intend this Province should not contribute money to its own defence; detachments being removed, the most greivous part of the burthen is lightened.

Therefore I again recommend to you to proceed, without losse of time, to provide such supplyes as may prove reall and not an imaginary assistance, to which I desire your answer.

The Council do approve of the Message and pray his Excell to send it.

Ordered, Coll Nich Bayard and William Nicoll Esqr do deliver the said Message to the Assembly.

Adjourned till afternoone.

At A Council held at ffort William Henry, the 10th *of Aprill*, 1695. Afternoone.

PRESENT — *His Excell* BEN FLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, WILLm SMITH, } Esqrs.
GAB. MONVIELLE, CHID. BROOKE, WILLm PINHORNE, } Esqrs.

His Excell ordered the answer of the Assembly upon the Message of the forenoon this day, to be read, and finding the same to contain nothing but an evasion from proceeding to businesse desired, did likewise order the reading of another Message to the Assembly for the Councils approbacōn in *hec verba*. sc.

6. *Gentlemen*,

I finde much time spent in Questions and Answers, without any regard to the duty you ow their Maties, or concerne for the preservation of this Province.

It is a faint argument, and unbecoming the wisdom of a Province to say a muster master informs us thus, when the accounts and musterrolls have been laid before you by a Committe of the Council, by which it is demonstrable to all considerate, judicious and unbyassed men, that there is no surplusage. So farr from it that one thousand pound will not answer the late years necessary and undispensible charge.

I do therefore again recommend to your consideracōn, the severall messages I sent to you since the opening of this sessions, and the approaching necessity for the releife of these few forces now on the fronteers, which will break or desert the first of the next month.

The ill consequences, blood, devastations, or mischeife which may happen, I wash my hands of, and must be justly laid at your doors, if you will not contribute to your own security. I shall expect you to be witnesses of my endeavours, and appeal to the King as the only Judge of your accōns and mine, in this great affair (your own safetys and their Maties service.

The Council do approve of this message, and It is

Ordered, Lt Coll Monvielle do deliver the same to the Assembly.

His Excell desired the Councils opinion if it be propper for him to adjourn, prorogue, or dissolve the Assembly before the security of the ffronteers be provided for.

The Council are of opinion, the ffronteers must needs be provided for, and that his Excell do not adjourn, prorogue, or dissolve them as yett.

Adjourned till morrow morning

At A Council held at ffort William Henry, the 11th *of Aprill*, 1695.

PRESENT— *His Excell* BEN FLETCHER, &c.,

STEPH. CORTLANDT, WILLm SMITH, WILLm PINHORNE, } Esqrs. JOHN LAURENCE, CALEB HEATHCOTE, } Esqrs.

His Excell commanded the votes of Assembly yesterday to be read.

The Council finding that the Assembly do deny the musterrolls were tendered to them for perusall the 5th of Aprill, Coll. Cortland, William Smith Esqr & Caleb Heathcote Esqr, who were of the Committe that day, do declare that they did tender to the Committe of Assembly, An Abstract of the musterrolls which was compared in Council by the Originalls, and that they did put the Originall musterrolls into the hand of Peter DeLanoy, one of the Committee of the Assembly, desiring him earnestly to compare the abstract with the original musterrolls, and cary the abstract along with them for the satisfaccōn of the whole house; which he did refuise, saying, there was no need of it.

His Excell did lay before the Council the present circumstance of the Province, how the Assembly refuise to give any supplys to secure the ffronteers, and the time of releife draws neer, when those who are posted there will disperse themselves; and desired the advice of the Council, if it may not be proper for his Excell to issue forth his commands for calling the feild Officers of the Militia throughout the Province together, to consult with his Excell, of the easyest methods to secure the Province in its present circumstance. The Council do approve thereof and advise his Excell accordingly.

His Excell ordered the draft of his orders in writing, for calling the feild Officers together to be read and the Council did approve thereof.

His Excell did lay before the Council the litle prospect he hath of their doing any thing requisite for securing the ffronteers, or any other good; that it cannot be for their Maties service to continue them when they seem to cast reflections from day to day, without ground or reason, upon his Excell and the Council, and persist in a distrust of the Council board.

Therefore, desired the Opinion of the Council what is propper to be done.

The Council give their opinion for dissolving this Assembly, but in all humble manner submitt that to his Excell. the power thereof being lodged in himselfe solely.

Adjourned till morrow morning.

At a Council held at ffort William Henry, the 12th *of Aprill*, 1695.

PRESENT— *His Excell* BEN FLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, WILLm SMITH, } Esqrs. WILLIAM PINHORNE, CALEB HEATHCOTE, } Esqrs.

His Excell commanded the votes of the Assembly yesterday to be read.

His Excell desired the opinion of the Council, to call the Assembly before him, if they think it may be possible to perswade them to proceed to businesse. The Council do advise his Excell to call them before him, in hopes his Excell Speech may have some influence.

His Excell commanded the Clerke of the Council to goe to the Assembly and in his Excell name to command Mr Speaker and the whole house to attend his Excell forthwith in Council chamber; which was performed.

The Speaker and the whole house being present in Council Chamber, His Excell did acquaint them, that he hath sent for them to use his outmost endeavours to remove those misunderstandings which seem to be among them, having found a sort of stagnation upon all businesse; then passing along all the passages of the Assembly since the last meeting, did use many pregnant and persuasive arguments for their proceeding to consider of the safety and ease of the Province, and to leave fruitlesse and causelesse contention and jangling; after which remanded them to their house.

The Council do unanimously approve of his Excells discourse to the Assembly, and acknowledge themselves to be witnesses of his Excells integrity, and earnest endeavours for the well (*sic*) of the Province, and return his Excell their humble and hearty thanks.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 13th *day of April,* 1695.

PRESENT— *His Excell* BEN. FLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, GAB. MONVIELLE, } Esqrs.

CHIDLEY BROOKE, WILLm PINHORNE, JOHN LAURENCE, } Esqrs.

His Excell ordered the votes of the house yesterday to be read; And it being manifest by the votes of the house, that they continue to deny any further supply to secure the ffronteers, His Excell did desire the opinion of the board what was to be done.

His Excell did show the Council a peticōn which was given in to the Assembly by the Church Wardens and the Resolution of the Assembly thereupon, signed by the Speaker, which is: That by virtue of the Act for setling a Ministry, they have power to call a dissenting minister from the Church of England, and compell all persons to contribute towards his mantainance, pursueant to sd act. Also another peticōn presented to the house by two fusileers who have deserted the service upon the ffronteers, and the reference of the Assembly thereof unto his Excell for the paying of the deserters.

The Council are of opinion that there is no good to be expected from this Assembly; that there are some persons amongst them endeavouring secretly to imbroile the Government into disorders, as it has been formerly; and therefore, if his Excell think meet, advise his Excell to prorogue them to the three or twentyeth of this instant, being the time appointed by his Excell for the meeting of the feild Officers of the Province to advise of some easy method to secure the ffronteers.

His Excell ordered the Cl of the Council to go to the Assembly, and in his name Command Mr Speaker & the whole house to attend his Excell forthwith in Council Chamber.

Mr Speaker & the whole house being present his Excell said:

Gentlemen,

You have proceeded to give yor opinion or interpretation of that Act of Assembly which provides for a Ministry in this City and two other Countyes, upon a peticōn presented unto you, and you say, that the Church Wardens and Vestrymen may proceed, by that Act, to call a protestant minister dissenting from the Church of England, and raise the money for his mantainance. Not to tell you that there is no protestant Church admitts of such Officers as Church Wardens & Vestry men but the Church of England, It is out of your Province to take upon you to explain an act which you did not make; the Laws are to be interpreted by the Judges.

You have likewise received a peticōn from two fusileers that came to you for pay; you referred them to me to be paid, though they did not see fitt to show themselves I am informed who they are, and that they have deserted the service; which is death in time of warr. I should rather have expected from you to have sent them up to me to receive their deserts. I desire all or any of you to show me that officer, who hath discharged any man without his full pay, and I will make him an example, or show me the man in the Province that is not paid.

I am now sorry to tell you you have sitt a long time to oppresse and burden the countrey, at the charge of tenn pound a day, besides other contingencyes, and have had no regard to their Maties service nor the safety of the Province. The whole time is spent rather in contention for superiority, right of Government and who shall command; for that supply which you pretend you would give, is no supply at all—If a man give me one thousand pound and oblige me to pay two thousand, he gives me nothing.

You now desire lycense to print the Votes. Mr Speaker knows at the opening of the sessions, if I may call it one, I told him they might be printed *de die in diem;* but it never was asked before.

I am as sensible of the burthen of detachments as all of you can be, and have done more to lighten it. I know it is an oppression that falls wholly upon the poor; the most of you are sheltered by Commissions, either as Justices of the peace or militia officers; but yon know you must contribute some proportion to the taxes. These Gentlemen that are of the Council are rivetted amongst you here; they have fixed down their stakes, and have as much interest in the countrey; yea, more than all of you; and are as unwilling to bring a yoak upon their posterity as you are. I can name two them that pay more taxes in one year than all of you pay. It seems strange you will put no trust in them, and make doubts and scruples where there is no ground for it, in things which you your selves confesse you don't understand. Theres never a man amongst you (except Peter De La Noy) pretends to understand an account; and there is not one farthing of publick moneys disposed or disbursed, but by advice of the Council; and there are good vouchers for it. Such I beleive Mr De La Noy would be glad to have for his account, when he was receiver here, which is now before the Lords of the Treasury under examination.

I have taken many measures to ease the Province from detachments, and solicited not only the neighbouring Provinces but their Maties, who have been graciously pleased so farr to favour my

desires and the ease of this Province, as to order forces heither at my disposall; but all is like to be defeated by your neglect. I am ready to appeal to their Maties, and have a safe conscience to appeal to a higher King, after this life, for my sincerity and integrity in endeavours for the ease and good of the Province. Had you acted like men, if you found me out of my duty, 'twas your businesse to have provided for the safety of the Province; then to have drawn up your accusation against me to their Maties, which I should have taken care should come to their hands. But, since I finde by your votes yesterday you are resolved not to raise supplys to secure the ffronteers, I think fitt to prorogue this Assembly to the 23th of this instant, and you are hereby prorogued accordingly.

The Council unanimously approve of his Excells speech to the Assembly, and returne humble and hearty thanks.

[N. Y. Colonial Manuscripts, XL., 19.]

By His Excellency.

BENJAMIN FLETCHER, Captain General and Governor in Chief of Their Majesties Province of *New-York*, and the Territories and Tracts of Land depending thereon in *America*, and Vice-Admiral of the same, Their Majesties Lieutenant and Commander in Chief of the Militia, and of all the Forces by Sea and Land within their Majesties Collony of *Connecticut*, and of all the Forts and places of Strength within the same.

A PROCLAMATION.

WHEREAS I have found the Detaching of the Inhabitants of this Province, for Defence of the Fronteers, hath been a grievous Burthen, and have used my Outmost Endeavours, to provide for the Security of the Fronteers, and the ease of the Inhabitants, which is not so far (at present) effected, but that it requires a Sum of Money to enable me, as well to retain those that are willing to serve, as to keep those I have already there; for which end I have used all Plainness and Integrity with the Assembly, making unusual Condescentions.

AND WHEREAS the Assembly have continued sitting Twenty Three Days, which has been a great Charge to the Country, and have made no suitable Return to Answer the End I have Proposed, I do therefore think fit, by and with the Advice of the Council, to Dissolve the present Assembly of this Province, and they are hereby Dissolved accordingly.

Given at Fort William Henry, *the Two and Twentieth day of* Aprill, 1695. *Annoq, Regni Regis & Reginæ* Gulielmi & Mariæ, Angliæ, *&c. Septimo.*

Ben Fletcher.

God Save King William & Queen Mary.

THE FIFTH ASSEMBLY FIRST SESSIONS.

At A Council held at ffort William Henry, the 20th of June, 1695.

PRESENT — *His Excellency* BENJAMIN FLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, CHID. BROOKE, } Esqrs. WILLIAM NICOLL, CALEB HEATHCOTE, } Esqrs.

His Excell. understanding the Representatives were not come to Town did adjourn till morrow morning.

At A Council held at ffort William Henry, the 21th day of June, 1695.

PRESENT — *His Excellency* BENJAMIN FLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, CHID. BROOKE, } Esqrs. WILLIAM NICOLL, CALEB HEATHCOTE, } Esqrs.

The Representatives come to Town, being 15 in number, came to waite upon his Excell in Council; his Excell told them that harvest coming on and the Kings businesse requiring haste, they ought to dispatch their businesse. So bid them go to their house & choose a Speaker.

Having chosen their Speaker, they did return and present their Speaker, JAMES GRAHAM Esqr and desired his Excells approbacōn.

Mr Graham prayed his Excell to recommend to the Assembly to choose another more qualifyed for that service; his Excell did confirme their choice.

Mr Speaker in behalfe of the whole house, did assure his Excell of their good affeccōn to his Maty and the present Government; then desired usuall priviledges to be allowed them, as freedome for themselves and servants during sessions from arrest, ffree accesse to his Excell and Council, a favourable construccōn upon their words, and frequent Committes of the Council to remove misunderstandings upon occasions &c: which his Excell did grant.

Then Recommended to them their own ease and safety in securing the ffronteers, the Quota assigned by her Maty to this Province of two hundred men for a joynt force of all the neighbouring Colonies to be upon the ffronteers, and an encouragement to the forces lately come over; And to Consider of the Circumstance of the Province with relation to the late intelligence come from Albany and the Lords of the Admiralty, by way of Maryland.

After which they returned to their house.

Adjourned till the 28th of June 1695.

At A Council held at ffort William Henry, the 28th day of June, 1695.

PRESENT— *His Excellency* BENJAMIN FLETCHER, &c.,

STEPH. CORTLANDT, WILLIAM SMITH, GAB. MONVIELLE, } Esqrs. CHIDLEY BROOKE, WILLIAM NICOLL, WILLIAM PINHORNE, } Esqrs.

Capt Thomas Dekey and some other members of Assembly from the house, in behalfe of the whole Assembly, did addresse his Excell for the pardoning one of the Granadeers lately come over from England, he being condemned to dy by a Court martiall for mutiny.

His Excell was graciously pleased to grant their request and gave orders that the prisoner should be Caryed to the Assembly to returne thanks.

Adjourned to the 2d of July.

At A Council held at ffort William Henry the 2d of July, 1695.

PRESENT— *His Excelleney* BENJAMIN FLETCHER, &c.,

STEPH CORTLANDT, WILLIAM SMITH, } Esqrs. WILLIAM PINHORNE, CALEB HEATHCOTE, } Esqrs.

His Excell ordered the Clerke of the Council to inquire of Mr Speaker if the house had any thing to offer to his Excell & the Council this forenoone.

The Clerke of the Council brought answer that the Assembly were busy and had Some thing to offer this forenoone, which shall be sent up very shortly.

Coll Henry Beeckman accompanyed with some others of the Assembly, brought up two Bills passed in the Assembly: the one intituled, A Bill granting to his Maty the sume of one thousand pounds, the one halfe thereof to be allowed to his Excell the Governour, and the other halfe to be distributed to the Officers and Soldiers lately come over for the ease of this Province, at his Excell discrecōn, which they pray his Maty to accept as an acknowledgement for the great favour in sending over the ffoices to ease the Province of Detachments.

The other Bill intituled, A Bill for raising Eight hundred pounds for the paying and mantaining of the Officers & Soldiers employed for the securing the ffronteers of this Province at Albany, from the first of May to the first of August next.

Ordered, the sd two bills be read the first time.

Capt Brandt Schuyler accompanyed with some other members brought up three other bills to witt: A Bill for continuing the Act for Encouraging the *Post Office* three years longer after the expiracōn of the said Act; A Bill for the Encouraging of Seamen, & A Bill for preventing deserters.

The Bill granting a thousand pound being read, is laid aside till further consideracōn.

Ordered, the Bill for encouragement of Seamen be read ye first time.

Ordered, the Bill to prevent desertion be read the first time.

Ellis Duxbury with some other members brought up two other Bills intituled, A Bill to Enable the City and County of Newyorke to releive the Poor and defray their necessary and publick charge; and A Bill to Enable the City & County of Albany to defray their necessary charge.

Adjourned till 3 a clock afternoone.

At A Council held at ffort William Henry, the 2d of July, afternoone, 1695.

PRESENT— *His Excell* BENJAMIN FLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, WILLIAM SMITH, CHID. BROOKE, } Esqrs. WILLIAM NICOLL, WILLm PINHORNE, CALEB HEATHCOTE, } Esqrs.

Ordered, the Bill granting a thousand pounds be read. Being read, it is ordered to be laid aside.

Ordered, the Bill for raising Eight hundred pounds be read first second and third time.

The Bill for raising £800 being read three times, is assented unto by his Excell the Governour and Council.

Ordered, the Bill against deserters be read a first & second time.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 3d of July, 1695.

PRESENT— *His Excellency* BENJAMIN FLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, WILLm SMITH, GAB. MONVIELLE, } Esqrs. CHID. BROOKE, WILLIAM NICOLL, WILLm PINHORNE, CALEB HEATHCOTE, } Esqrs.

Ordered, the Bill for encouraging of Sailers, be read a first and second time.

Ordered, a third reading.

His Excell the Governour and Council do assent unto the Bill for encouragement of Sailers being three times read with this proviso: that it continue in force for two years from & after publicacōn.

Ordered, the Bill for Continuing Encouragement to the *Post Office* be read the first second & third time.

His Excell the Governour & Council do assent unto the Bill for continueing encouragement to the *Post Office*, being three times read.

Ordered, the Bill to Enable the City & County of Albany to defray their necessary charge be read a first second and third time.

His Excell the Governour & Council do assent unto the Bill to Enable the City & County of Albany &c, being three times read.

Ordered, the Bill to Enable the City & County of Newyorke &c. be read a first second and third time.

His Excell the Governour and Council do assent unto the Bill to Enable the City & County of Newyorke, being three times read.

Ordered, the Bill for preventing desertion be read a second and third time.

His Excell the Governour and Council do assent unto the Bill for preventing desertion &c, being three times read, with the following amendments (to wit) —

That the title thereof be (A Bill to prevent the desertion of soldiers in pay within this Province.)

That the preamble be left out and the Bill beginn (Be it Enacted &c

That in page first, line 6 & 7 (as aforesaid) be left out

That in page first, line 8 (without leave first obteind from his propper officer) be left out.

That in page first, line 20th (without leave obteind as aforesaid) be left out.

That in the second page, line 4th (said) be left out

And that the year of the reign when the Act of Parliament meneōned in the sd bill was made be inserted.

Ordered, William Pinhorne Esqr and Coll Caleb Heathcote do cary down to the Assembly the Bill for preventing desertion, and the Bill for encouraging of Seamen, with the amendments annexed, and desire the Assembly consent to the amendments.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 4th of July, 1695.

PRESENT— *His Excellency* BENJAMIN FLETCHER, &c.,

STEPH. CORTLANDT, WILLIAM SMITH, GABRIEL MONVIELLE, CHID. BROOKE, } Esqrs.

WILLIAM NICOLL, WILLIAM PINHORNE, CALEB HEATHCOTE, } Esqrs.

His Excell did Enact the five Bills which did passe the Council and Assembly.

His Excell did order the reading of an Addresse from the Assembly, wherein they desire an addition of twenty pounds ℔ annum to the sallary of the Printer.

His Excell ordered the Cl of the Council to acquaint Mr Speaker, that he Requires Mr Speaker and the whole house to attend him forthwith in Council.

The Speaker and the house being present,

His Excell did acquaint them that he had Enacted five Bills which came from their house. As for the bill to prevent desertion, since they would not agree to the amendments, it is no matter of moment whether it passe or not; and for the other Bill whereby they design a complement of five hundred pounds to his Excell, His Excell gave them thanks and told them, as he had heitherto taken care of the Government, so he would continue and wished as much as all of them can, its welfare and prosperity; but that as that Bill was framed, he doth reject it; then told them that he was glad to see they had done their businesse quietly without noise & much expense of time, and hoped they would prove a healing Assembly. The harvest is coming on and those that have that to attend, must need desire respite; therefore did adjourn the Assembly to the first of October next.

His Excell did acquaint Mr Speaker that he might appoint a Committe of such of the Assembly who can most conveniently attend that service. to inspect the public accounts in the time of this adjournment, that they may be able to make report at the opening of next Sessions.

His Excell then, attended with the Council & Assembly, was conducted by the Mayor & Aldermen to the City hall, where the Acts were read publickly.

The Assembly do returne their thanks to His Excell for his favourable expressions and his promise to take care of the Government.

THE FIFTH ASSEMBLY SECOND SESSIONS.

At A Council held at ffort William Henry, the first day of Octo^r, 1695.

PRESENT— *His Excellency* BENJAMIN FLETCHER, &c.,

FFRED. PHILIPS, STEPH. CORTLANDT, NICH. BAYARD, GABR. MONVIELLE, } Esqrs.

CHID. BROOKE, WILL^m NICOLL, JOHN LAURENCE, CALEB HEATHCOTE, } Esqrs.

Mr Reade and Mr Abeel from the house of Representatives, waite upon his Excell in Council to acquaint him that, because many of the Representatives are not yet come to Town, the Speaker hath adjourned till morrow morning.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 2^d day of Octo^r, 1695.

PRESENT — *His Excell* BENJAMIN FLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, WILLIAM SMITH, } Esqrs.

GAB. MONVIELLE, CHID. BROOKE, WILL^m NICOLL, WILL^m PINHORNE, } Esqrs.

Maj^r Wessells and others by appointment of the Assembly, came to acquaint his Excell that there is a full house and that they are ready to receive what his Excell will offer for his Maties service.

His Excell ordered the Clerke of the Council to call up the Speaker & the whole house being present His Excell rose up and said,

Mr Speaker and You Gentlemen the Representatives of this Province.

I am glad to finde you mett together so exactly to yor time, and hope you are come with good hearts and inclinations to serve his Majesty in secureing the Province, which is yor own interest and what I heartily wish for and shall always endeavour.

The first thing I recommend to your care is the security of the fronteers, which to me seems to ly under some hazard, the Garrisons weaker than ever, the revenue is very much indebted, the taxes in arreares, our charges daily grow, Our neighbours value themselves upon their Agents in England and deny any assistance, and his Maties gracious commands in favour of this Province and for the safety of His whole Territoryes upon this Maine wholly defeated; the Agents of the neighbouring Colonies misrepresent things and are driving at their private interests, by which means our burthen continues, and now the enemy have gott into a nest; a regular ffort of stone and lime at Cadaracqui which without all doubt will prove of dangerous consequence to us all, if means cannot be found to drive them out.

It will therefore be needfull an Agent or Agents be sent home from the Government, to represent our case and circumstances. I have not been wanting in my duty in repeated endeavours by writeing in behalfe of the Province, nor have they proved unsuccessfull with his Matys, but a paper may be forgott, is laid aside and cannot answer the suggestions & false glosses that may be put upon things by the Agents of our neighbours.

It is true, Gentlemen, this Province has been under heavy duty and taxes and is much wasted thereby. You have paid great taxes and the people done hard duty upon the fronteers. 'Twas all ordered by yor selves and must redound to your praise. Our neighbours ow their safety & preservacōn to it. We are next the enemy & a barrier to them who are under none of these dutyes nor burdens. We are at a great disadvantage with them in matter of trade likewise. We have laid severall dutyes upon goods and merchandize at importation & exportation, with an excise for a revenue to support the Government; their ports are free and open to all. They not only deny assistance to us, but cover and protect those of the forces his Maty has graciously sent over lately when they desert. We shall be reduced to our former and greater difficultys, if these things be not remedyed, it is plain to us. Our neighbouring Colonies have both gott our trade & people; mankind go where they can be most easy, but these things are not so well known at home and there are many other weighty affairs in hand. This comes upon me at once and I am in my letters for England. I shall not trouble you with more at present but that you consider of a living witnesse to appoint an Agent or two from

you the Council and myselfe, that our case may be truly stated & fairly represented to the King. When I shall think of anything else I shall finde a way to communicate it to you. So you may withdraw to your house & God Almighty direct you.

Adjourned till morrow morning

At A Council held at ffort William Henry, the 3^{d} *day of October*, 1695.

PRESENT— *His Excellency* BENJAMIN FLETCHER, &c.,

STEPH. CORTLANDT, WILL^{m} SMITH, CHID. BROOKE, } Esqrs.
WILLIAM NICOLL, JOHN LAURENCE, CALEB HEATHCOTE, } Esqrs.

Ordered, the message from the Assembly desiring to know what supply will be needfull for the fronteers this ensueing winter be read.

Ordered, Chidley Brooke Esq, William Nicoll Esqr & Coll Caleb Heathcote be a Committe to draw up an answer and state the acco^{t} of the charge.

Adjourned till the fifth of Octo^{r}, 1695.

At A Council held at his Maties ffort in Newyorke, the 5th *of Octo^{r}*, 1695.

PRESENT— *His Excellency* BENJAMIN FLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, WILL^{m} SMITH, } Esqrs.
CHID. BROOKE, WILL^{m} PINHORNE, } Esqrs.

His Excell having taken to consideracōn the message of the Assembly whereby they desire to know what will be needfull for the security of the ffronteers the ensueing winter, with advice & consent of the Council doth recommend to them to provide for the pay of Maj^{r} Schuylers Company and a fund or supply for the encouragement of the other companys, that their number may be kept up to prevent detachments.

Adjourned till the Sixteenth day of Octo^{r}.

At A Council held at ffort William Henry, the 16th *day of Octo^{r}*, 1695.

PRESENT— *His Excellency* BENJAMIN FLETCHER, &c.,

NICH. BAYARD, GABR. MONVIELLE, WILL. NICOLL, } Esqrs.
WILLIAM PINHORNE, JOHN LAURENCE, CALEB HEATHCOTE, } Esqrs.

Three Bills agreed upon in Assembly were presented to this board for the assent of his Excell the Governo^{r} & Council,

Ordered, a Bill against profanation of the Lords day be read a first time.

Ordered, a Bill for regulating Attorneys at Law be read a first time.

Ordered, a Bill for a supply of 500£ for encouragement of the company of granadeers &c be read a first time.

Ordered, the Bill against profanation of the Lord's day be read a second & third time.

Ordered, the Bill for regulating Attorneys at Law be read a second & third time.

His Excell the Governour and Council do assent to the Bill against profanacōn of the Lords day &c being three times read with the following amendments vizt. that there be added— [Provided that this Law shall no wayes extend to any native or ffree Indian within this Province not professing the Christian Religion] the interlineation (or to do any other act of necessity to come in after travell on the Lords day.

His Excell the Governour & Council do assent to the Bill for regulating Attorneys at Law, being three times read.

It is the opinion of the Board that a conference is needfull upon the Bill for raising £500 for the encouragem^{t} &c.

Ordered, Coll Nich Bayard, William Pinhorne Esqr and Coll Caleb Heathcote be a Committe of the Council to conferr with a Committe of the Assembly thereunto appointed, upon the bill for raising the supply of £500. at four a clock this afternoone.

And that John Laurence Esqr do acquaint the house thereof and desire a Committe of the Assembly to be appointed accordingly.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 17th *day of October*, 1695.

PRESENT— *His Excellency* BENJAMIN FLETCHER, &c.,

FFRED. PHILIPS, NICH. BAYARD, GAB. MONVIELLE, } Esqrs. WILLIAM PINHORNE, CALEB HEATHCOTE.

Ordered, a second & third reading of the Bill for a supply of £500.

The Committe appointed to conferr upon the Bill for raising a supply of £500 did report— They had endeavoured to sett forth the reasons why His Excell cannot passe the Bill and convince them that his Excell cannot divest himselfe of the power of detaching men, if there be occasion.

And that they finde by the Members of Assembly that the house intends the five hundred pounds only for raising of men to fill up the Companys, and not as any encouragement to those now in the service.

His Excell the Governour & Council do assent unto the Bill granting a supply of £500, being three times read with the following amendments—That this be a preamble: The house of Representatives for his Matyes Province of New Yorke being very sensible of his Maties great grace & favour in sending forces over from England for their safety and defence, do pray that it may be enacted, and be it enacted, &c, and that there be inserted in 2d line 2d page, instead of—to prevent detachments—and to finde them such necessaryes that they may be able to subsist and towards easing the Inhabitants of the Province from detachments for this ensueing winter service.

Ordered, William Pinhorne Esqr & Coll Caleb Heathcote do cary down the Bill granting a supply of £500 &c, & the Bill ag'st Profanacõn of the Lords day, with the amendments made in Councill and desire the consent of the Assembly.

Two Bills agreed unto in Assembly were presented to this board for the assent of his Excell & Council.

Ordered, the Bill for raising £1000 be read a first, second & third time.

His Excell the Governour & Council do assent unto the Bill for raising one thousand pounds for Agency &c. being three times read.

Ordered, the Bill for raising £864. 15s be read a first, second and third time.

His Excell the Governour & Council do assent unto the Bill for raising £864. 15s, being three times read with the following amendments viz't—that in the title, throughout the bill & Establishment annexed, instead of Majr Schuyler's Company, be inserted: A Company of fusileers imployed on the fronteers at present under the Command of Majr Schuyler.

Adjourned till morrow morning.

At A Council held at ffort William Henry the 18th *day of October*, 1695.

PRESENT— *His Excellency* BENJAMIN FLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, GAB. MONVIELE, CHID. BROOKE, } Esqrs. WILLm NICOLL, WILLm PINHORNE, JOHN LAURENCE, CALEB HEATHCOTE, } Esqrs.

His Excell having received a message yesterday evening from the Assembly, it was read and in answer thereunto,

Ordered, William Nicoll Esqr, Willm Pinhorne Esqr & Coll Caleb Heathcote be a Committe of Council to conferr with a Committe of the Assembly upon the meaning of the amendments of the bill for raising £500 &c., in order to a plain and cleer understanding.

Ordered, the Same Committe do conferr upon the amendment to the Bill for raising £864: 15; and that Willm Nicoll Esqr do desire the Assembly to impower their Committe to Conferr thereof likewise, and cary down the sd Bill and amendment.

The Gentl of the Committe did returne and reported to his Excell that they have endeavoured to give the members of Assembly of their Committe full satisfaccõn, but that they had litle hopes of its taking effect; being fixed in an opinion that his Excell having passed that Bill, cannot afterwards detach, and that the money is wholly to be disposed of to such as shall be

listed hereafter in sd companys, & that they beleive the Amendmt of the £864: 15, Bill, will be agreed unto.

Mr Reade from the Assembly, brought up the Bill for raising a supply of £500 with an amendment vizt: that the money shall be imployed to such only as shall be listed in the sd Companys at the discrecōn of the Governour & Council to prevent detachments, and desire the assent of his Excell & Council thereunto.

His Excell desired the opinion of the Council if they can assent to that amendment? It is carryed in the negative for these reasons: That the money will not answer the end; that the Granadeers left without encouragemt, will desert and others will not be found to supply their room in this Countrey, & if others were to be found, if their pay or sustenance were encreased above what the rest have, it would tend to confusion & disorder; and if the word, to prevent detachments, be in the Bill, the Comon people will always beleive they have bought off that duty and that his Excell is tyed up from the exercise of that part of his power which is soe necessary in this time of actuall warr.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 19th of October, 1695.

PRESENT— *His Excell* BENJAMIN FLETCHER, &c.,

FFRED. PHILIPS, NICH. BAYARD, GAB. MONVIELLE, } Esqrs.
CHIDLEY BROOKE, WILLIAM PINHORNE, JOHN LAURENCE, } Esqrs.

An Addresse from the Assembly delivered unto his Excellency last night, setting forth that they have appointed a Committe for the drawing up an Addresse to his Matye setting forth the true Representation of the state of this Province and desiring a Committe of the Council may be appointed to joyne with them, was read.

Ordered, Coll Nicholas Bayard, Willm Nicoll Esqr, Chidley Brooke Esqr, William Pinhorne Esqr, and Coll Caleb Heathcote be a Committe of this board, or any three of them, to joyne in the drawing up this addresse.

Ordered, John Laurence Esqr cary down the names of the Committe & deliver it to the Assembly.

Adjourned to the 22th October 1695.

At A Council held at ffort William Henry, the 22th of Octor, 1695.

PRESENT— *His Excell* BEN FFLETCHER, &c,

FFRED. PHILIPS, STEPH. CORTLANDT, NICH. BAYARD, } Esqrs.
GAB. MONVIELLE, WILLm NICOLL, WILLm PINHORNE, } Esqrs.

His Excell did ask the opinion of the Council if he Shall passe the Bills agreed to in Council & Assembly, and afterwards recommend to them the care of the fronteers to provide Supplys.

The Council are unanimously of opinion it is expedient his Excell do passe the Bills agreed unto in Council & Assembly, and recommend to the Assembly the care of the fronteers.

His Excell did signe & Enact the Bill for regulating Attorneys at Law; the Bill against Profanation of the Lords day; the Bill granting £1000 for Agency, and the Bill for raising £864: 15 for Support of a Company of fusileers Commanded by Majr Schuyler, to the first of May next.

Ordered, The Cl of the Council do desire the Speaker & the whole house to attend his Excell the Governour in Council chamber forthwith.

Mr. Speaker and the whole house being present, His Excell said,

Mr Speaker & you Gentl the Representatives of the Province,

Four of the Bills you sent up are read and approved off in Council and are now Enacted.

One is An Act for regulating Attorneys at Law; a thing I do but litle understand as I never had a Law suite, So I hope I never shall.

Another is against the profanation of the Lords day; a very good act. I wish it prove effectuall and that we may all learn so to lead our lives as to make every day a Sabbath.

Another is the Act for the thousand pound for Agency. I doubt not but you will finde it well bestowed and prove very beneficiall to the Province, when their is a fair & true Representation made to his Majesty of Our Circumstances. It is too hard for this Province to

have the whole charge of the warr upon us, when it is a generall defence to the rest. I dont question but the King will alleviate our burden.

Another Act is for raising a supply to pay and mantain fifty men at Albany till May next; which are a part of your quota. You have all heard there are quotas appointed by his Matye from New England, Connecticutt, Virginia, Maryland &c. Our quota is two hundred. I have shown Mr Speaker that list which I had from Whitehall; he can informe you this Province is to furnish two hundred men. The King has sent his Commands to the Severall Governours to give their assistance upon my applicacōn, which I have made; but I have no Great Seal for the commanding of those quotas from Virginia, Maryland and the rest as I have to command this Province. I am Yor Captain Generall. I have never asserted that power but with an eye to the ease and Safety of the Province; and altho' we may reasonably expect some releife from the hardships we ly under in a short time, yet I am not to suffer the Province to ly exposed. Some of you here can very well give account that Albany and the fronteers were never worse provided than this winter, and that many of the Soldiers have run away, others dyed or killd in their passage coming over.

Here is another Bill which you sent up giving a supply of five hundred pounds for levy money. As you intend this, it is to throw away so much of the Countreys money; it dos not answer the end, I can never consent to such a fraud; it will be so farr from any encouragement to the Companyes sent over for your defence, that it will prove their great discouragemt. When the money, as you would order it, is given to such as will list themselves we shall have none but such as will runn so soon as their levy money is spent, & perhaps sooner; for no man will tary to starve when he knows he is never to receive a farthing pay, but on the contrary must run in debt. I have often told you that they have but 8d this Countrey money by the Kings Establishment, and that two pence sterling is stopt for their cloaths, which are now worne out in their way coming over, and many of them barefoot and bareleggs. The cold winter season is coming on, and we have to do with a cunning & vigilant Enemy. I must not leave the fronteers exposed. It is hard if you will not leave me to be judge of the affairs of warr, and what is necessary. I darr to pretend to more experience that way than any of you, or all together. The security of the fronteers was the Cheife thing you were called together for, and therefore I recommend it to you.

I shall be satisfyed you take what methods you please to order Yor Supplyes, provided they are secured, that I may never touch a penny of your money with my finger, as I never have heitherto done.

Gentl. returne to your house and consider of this matter in calmnesse and evennesse of temper. I have no end but the Safety and ease of the Province. I pray God direct you.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 23th day of October, 1695.

PRESENT— *His Excell* BENJAMIN FLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, } Esqrs. WILLm NICOLL, WILLm PINHORNE, } Esqrs.

A Message sent to his Excell yesterday evening was read, and in answer thereunto It is

Ordered, Coll Steph Cortlandt, Coll Nicholas Bayard, William Nicoll Esqr & William Pinhorne Esqr be a Committe of the Council to meet the Committe of the Assembly for the further explanation of his Excells meaning concerning the quota.

Adjourned till morrow morning

At A Council held at ffort William Henry, the 24th day of October, 1695.

PRESENT— *His Excell* BENJAMIN FLETCHER, &c.,

FFRED. PHILIPS, GAB. MONVIELLE, THOMAS WILLET, } Esqrs. WILLIAM PINHORNE, CALEB HEATHCOTE, } Esqrs.

The Report of the Committe was that the Committe of Assembly desired to know if his Excell did intend to have the Companys come from England made full, and the quota of two hundred men from this Province. And that it was answered that if the Assembly will raise a reasonable supply to the end his Excell be enabled thereby to keep the Granadeers now in the Companys appointed by his Maty, and to encourage others to come and list themselves, his Excell can depend upon them for a reasonable guard to the fronteers & not insist upon the

quota. Otherwise it cannot be expected but the Granadeers will run in a years time and are not to be depended upon. This obleiges his Excell to insist upon the quota; with which answer they seemed better contented.

His Excell sent the Clerke of the Council to know if the Assembly had any thing to offer this forenoone; who brought answer, that they were preparing a Bill which would shortly be brought up to his Excel & Council for their assent.

Coll Beeckman & others Delivered a Bill from the Assembly intituled, A Bill for the raising seven hundred pounds to Enable his Excell to keep the men that are now in the Companys appointed by his Maty and to encourage others to list themselves

Ordered, the Bill for the raising £700 &c be read a first, second & third time.

His Excell the Govern^r & Council do assent unto the Bill for raising £700 &c, being three times read.

Another Bill was delivered in intituled, A Bill for continueing An Act for Establishing Courts of Judicature two years longer.

Ordered, the Bill for continueing An Act for Establishing Courts of Judicature &c be read a first, second and third time.

His Excell the Governour & Council do assent unto the Bill for continueing An Act for Establishing Courts of Judicature &c being three times read.

His Excell sent the Cl of the Council to know if they had any thing further to offer; who brought answer, they had none. His Excell signed the two last Bills.

Adjourned till afternoone.

Postmeridiem ejusdem diei.

PRESENT— *His Excell* BENJAMIN FLETCHER, &c.,

FFRED. PHILLIPS, GAB. MONVIELLE, CHIDLEY BROOKE, WILL^m NICOLL, } Esqrs.

THOMAS WILLETT, WILLIAM PINHORNE, CALEB HEATHCOTE, } Esqrs.

His Excell ordered the Cl of the Council to call Mr Speaker & the whole house to attend his Excell in Council Chamber.

Mr Speaker and the whole house being present, His Excell said:

Mr Speaker and you Gentl the Representatives of this Province.

I sent the Cl of the Council to you to know if you had anything else to offer; he brought me yor answer you had none. I have passed the two bills you last sent me; one of them is, for continueing a former Act for Courts of Judicature with an addition which I do not like; it being a thing unpresidented for the County Justices to have the power of trying title of land, where the construction of deeds & writeings is necessary, and requires more skill in the Law than any of them can pretend to. In England those controversys are tryed by nisi prius, before Judges learned in the Law; however it is temporary and by the advice of the Council I have past it.

The other is the Bill for £700 for an encouragement to keep up the Companyes till the first of May next. I shall take that care in the disposition thereof that there shall not be one farthing perverted to any other use, to defeate so good a designe as you propose to yo^rselves.

Gentl^n You sent me word you had nothing to offer, and were willing to have a recesse. There is one thing I have to offer to you before we part, and that is; that you inquire into the greivances and abuses in your severall Countyes; what oppressions; what maleadministracōn or abuses are committed by any ministers or officers of the Government, that care may be taken to redresse them. You are or ought to be men of good interest in yor Countyes, and if you finde any complaints of tyranny or arbitrary power, that are false & groundlesse, it is your businesse to suppresse those murmurings by yor better informacōn. If otherwise, you ought to represent them in Assembly. One of the first things appointed in a house of Commons is a Committe for greivances. If you finde abuses in inferiour Officers, then you are to apply to the Governour & Council, who are ready to give satisfaccōn in removeall of them; if it be of the Superiours as the Governour or Council, then you have the liberty of applying to the King. I am but a transient person amongst you, and am willing to answer for anything that I have done. You have now your Agent goeing home. I am very willing you make what applicacōn you please. The Council have been witnesses to all my accōns and they are the men of greatest interest in the Countrey. But if there be nothing but an evill spirit of murmuring, backbiting and slander, without any other cause or reason than the perverse humour of disaffected persons and unreasonable men, it is your businesse to informe them better of their duty to their Superiours & towards one another, that the Government may be happy & harmonious, and a good affection & cheerfullnesse in doing those things which are for your ease & safety; which I call God to witnesse has been my greatest study since I come amongst you.

But, Gentl, since my resolution to have adjourn'd you, I understand there is something yet left undone. I am not in haste so long as the service of the Government calls for me. I will give you time to consider what there is, which you may do this afternoon or against to morrow morning. I shall be ready to hear you so you may returne to yor house & consider of it. I pray God direct you.

Adjourned till morrow morning.

At A Council held at ffort William Henry, the 25 *day of Octo^r*, 1695.

PRESENT — *His Excell* BENJAMIN FLETCHER, &c.,

FFRED. PHILLIPS, NICH. BAYARD, WILL^m NICOLL, } Esqrs.

WILL^m PINHORNE, CALEB HEATHCOTE, } Esqrs.

The drafts of An Addresse to his Maty with Instruccōns to the Agents for making a representation of the state of the Province which were sent for their perusall, were delivered back, with an order of the house that the Speaker do sign them.

His Excell desired the opinion of the Council as to the time of adjournment. The Council gave their opinion to adjourne to the 25th of March next.

His Excell ordered the Cl of the Council to desire Mr Speaker & the whole house to attend him forthwith in Council Chamber.

The Speaker and the whole house being present, told them that he beleived they were now desirous of recesse; recommended to them again to study the peace & tranquillity of the Governm^t; to inquire into greivances & if they found any to see them redressed the next meeting.

Then adjourned the Generall Assembly to the 25th of March next ensueing.

At A Council held at ffort William Henry, the 30th *of Octo^r*, 1695.

PRESENT — *His Excell* BENJAMIN FLETCHER, &c.,

NICH. BAYARD, GAB. MONVIELLE, CHID. BROOKE, } Esqrs.

WILLIAM NICOLL, WILLIAM PINHORNE, CALEB HEATHCOTE, } Esqrs.

His Excell the Govern^r & the members of Council present did signe the following Addresse & Instruccōns and the Speaker by order of the house of Representatives signed the same.

Ordered, the Clerk of the Council do cary the Address & Instruccōns to the Members of Council that are not present & gett their hands to it.

THE ADDRESSE.

To the KING'S *Most Excellent* MAJESTY.

The humble Addresse of yor Maties Captaine Gen^ll & Governour the Council and Assembly of yor Maties Province of *Newyorke* in *America*.

Wee yor Maties most faithfull and obedient Subjects truely affectionate to your Interest and prosperity and in the highest degree bound by yor Maties grace and favour, with thankfull hearts acknowledge the happinesse we enjoy by the blessing of yor Government.

Yo^r Royall care and bounty to this Colony dos encourage, and its present condition presses us, to offer to yor Sacred Maties consideracōn the state of this part of yor Maties Empire, by persons ordered from home to attend yor Maties pleasure, humbly begging the continuance of yor goodnesse to this your Province and earnestly praying Almighty God to give your Majesty long life a victorious & happy reigne.

N Yorke, Novem^r 2^d 1695 — BEN FFLETCHER.

ffred Philips	G. Monvielle	Willm Pinhorne
Steph Cortlandt	Chid Brooke	John Laurence
N. Bayard	William Nicoll	Caleb Heathcote

By order of the house of Representatives JAMES GRAHAM, Speaker.

THE INSTRUCCÕNS.

Instruccõns for the Agents appointed by his Excell the Govern^r, the Council and Assembly of Newyorke to represent the state of the Province to His Majesty.

You are forthwith to repair to Court and deliver the publick papers sent by you. You are upon all occasions to expresse the true affeccõn of his Excell the Govern^r and Council and Assembly of this Province to his Matys Government, with their gratefull acknowledgement of the many particular favours bestowed upon the Province.

You are to represent the different manner and forms of Government in the neighbouring Colonies and Provinces and the situation of this with relation to Canida and the Indians of the five Nations.

The state and condicõn of our Garrisons upon the fronteers, particularly that of Albany, where the Indians always have had an amicable reception.

The diligence of the ffrench of Canida and endeavours to extend their settlements to the southward of the Great Lake, upon the back parts of all his Maties Territorys on this Maine of America.

The incursions made by the ffrench upon this Province and particularly since the warr.

The Great charge and duty the Inhabitants have undergone to preserve the Countrey from their encroachments as also the diligence of Our Indians, whose numbers are much decreased by the warr against Canida.

How detaching of the Inhabitants of this Province to the fronteers hath been a meane to drive our people, especially the youth, into the neighbouring Governments of Pensilvania & Connecticut, and many whole familys have removed at certaine times together.

That the Governour of Canida, by all intelligence we can have, has constantly five hundred men in Garrison at Mount Reall, the next considerable Garrison to Albany.

How this Province by the course of the rivers becomes a barrier to all the rest against Canida.

How litle assistance has been given by our neighbours.

How his Maties gracious Royall Commands for assistance from our neighbours are defeated or evaded and a necessity laid upon us to bear the burden.

How the ffrench have endeavoured by force & fraud to draw over the Indians of the five Nations to their side in order to turne them upon his Maties Plantations; none of which is so well provided against an Indian warr as this, although most of them have farr greater number of people.

That the ffrench have lately resetled Cadaracqui and how difficult it is to repell them by Christian force.

The necessity of supporting our Indians with arms ammunicõn & cloathing &c, & the Great charge thereof.

And in all things, you are to study the good of the Province; to take all propper means to effect, and generally to move upon any other matter tending thereunto according to your discretion

Novem^r 2^d 1695. BEN FFLETCHER.

fredryck flypse. Gab Monvielle John Laurence
S. V. Cortlandt William Pinhorne Caleb Heathcote
N. Bayard

By order of the house of Representatives, JAMES GRAHAM, Speaker.

THE FIFTH ASSEMBLY THIRD SESSIONS.

At A Council held at his Matyes ffort in Newyorke the 26th *of March*, 1696.

PRESENT— *His Excell* BENJAMIN FLETCHER, &c.,

FFRED. PHILIPS, STEPH. CORTLANDT, GAB. MONVIELLE, } Esqrs.
THOMAS WILLET, WILLIAM PINHORNE, CALEB HEATHCOTE, } Esqrs.

The Representatives not being come from Albany & Vlster, the river being shutt up, his Excell did adjourn till the 7th of Aprill.

At A Council held at his Matyes ffort in Newyorke, the 7th of Aprill, 1696.

PRESENT — *His Excell* BENJAMIN FLETCHER, &c.,

FFRED PHILIPS,	Esqrs.	WILLIAM SMITH,	Esqrs.
STEPH. CORTLANDT,		WILLIAM PINHORNE,	
NICH. BAYARD,		JOHN LAURENCE,	

His Excell ordered the Cl of the Council to call up the Speaker & Representatives, who being present, his Excell said:

Mr Speaker and you Gentl Representatives,

The great favours and kindnesses we have received from our most gracious King, calls for the outmost extent of Or obedience and gratitude.

His Matye by late supplyes of men, artillary and other stores of warr, with the Royall commands for assistance from the neighbouring Governments, (if a due compliance be made) has enabled us to withstand and oppose all our enemyes and to live in a happy security. Nothing but our sins can render his Matyes care ineffectuall. The blessings of Almighty God will go along with our endeavours if we first assert our duty to him and pay a due deference to our Prince. Obedience to Government is a part of religion.

The King neither Commands nor desires anything of us but what may contribute to our own felicity; and this will be easily accomplished by a propper use of all those helps he has graciously condescended to give us.

It must be considered that all utensills of warr are but tools and of noe use without hands to imploy them.

The King has sent us men to worke with those tools for our ease and safety; but men wear out; they dye; they desert; are often sick and weak. Armyes and Battalions must be kept up by constant recruits, else they crumble to nothing.

The forces late sent over are much weakened since their arriveall and will be more soe unlesse some propper encouragement be thought of for them, as in the like case practiced in the Leeward Islands. The rate of Labourers runns so high in this Countrey, that most necessitous men rather choose to earn their bread with the spade, than the sword.

We shall want both men and money to render his Majestyes gracious assistance answerable to his Royall intentions.

It ought ever to be acknowledged with an humble sense on our parts, that notwithstanding his Majestyes present pressures, the great and bloody warr he is engaged in, the daily hazards he exposes his sacred person to, yet he remembers this litle handfull of his people.

Let us not forget what we ow to such a King; to such Royall Bounty. Let us not forget our selves, but wisely consider our own safety by strengthening our ffronteers, which I cheifly propose to you, as the best returne we can make; the most acceptable service we can do, to our King and to our countrey.

His Majesty has by his Royall Letter recommended to us the building a Chappell in this ffort; a former Assembly took some notice of it; I hope you will not be wanting on your parts to forward & finish it.

I have directed Coll Cortlandt & Coll Heathcote to lay before you a clear account both of the revenue and taxes which will give you satisfaccōn. You'le finde the Government in debt; and Consider that such Gentl as have advanced money upon the credit of it, may not suffer for their zeal for the publick weall, being the money thus lent has been when alarms or other exigents have called for an immediate care, wherein our comon safety seemed concern'd, and at such seasons when we could not timely meet in Assembly. I will not doubt of yor care in a matter of such moment. You will all concurr to keep up the credit of the Government which in some measure is the safety of it.

The money granted last sessions is in great part left to my dispose (it is not yet paid). I desire for my own ease and your satisfaccōn that a Committe of yor house may conferr with a Committe of the Council on this matter; that the money be applyed to the publick good. I would have it obvious to you and all men that it is not converted to any by or private end, nor do I desire one penny of it should be paid unto me, nor to be any further concerned than to signe warrants for the payment of it to such uses as you shall advise.

Gentl. I wish you a good agreement and understanding amongst yourselves that his Matyes favours be not lost upon us, but that the safety honour and prosperity of this Province may be timely considered, as by his Majesty in the repeated succours he has been graciously pleased to send us, so on our parts by an humble acknowledgement for them and a propper applicacōn of them.

The Representatives being returnd to their house, The Gentl of the Council acknowledged great satisfaccōn in his Excell care & proposalls to the Assembly and did returne thanks to his Excell for his favourable speech.

Maj^r Wessells and Capt Dekey from the Assembly desire a copy of his Excells speech, which was granted.

Adjourned to the 9th of Aprill.

At A Council held at his Matyes ffort in Newyorke, the 9th of Aprill, 1696. Postmeridie.

PRESENT — *His Excellency* BENJAMIN FLETCHER, &c.,

FFRED. PHILIPS, STEPH. CORTLANDT, NICH. BAYARD, WILL^m SMITH, } Esqrs.

THOMAS WILLETT, WILL^m PINHORNE, PETER SCHUYLER, CALEB HEATHCOTE, } Esqrs.

A Message from the Assembly was read, desiring a Committe of the Council may be appointed to conferr with a Committe of their house concerning strengthening the fronteers at Albany.

Ordered, Coll Steph Cortlandt, Coll Nich Bayard, Coll William Smith, William Pinhorne Esqr & Coll Caleb Heathcote be a Committe of the Councill to conferr with the Committe of the Assembly accordingly.

Adjourned to the 16th of Aprill.

At A Council held at his Matyes ffort in Newyorke, the 16th day of Aprill, 1696.

PRESENT — *His Excelleney* BENJAMIN FLETCHER, &c.,

FFRED. PHILIPS, STEPH. CORTLANDT, WILLIAM SMITH, } Esqrs.

WILL^m PINHORNE, PETER SCHUYLER, CALEB HEATHCOTE, } Esqrs.

The peticōn of Patience Lloyd, widdow of Thomas Lloyd decd, David Lloyd, Isaac Norris John Godfrey and Elizabeth Lloyd, was read, praying His Excellency the Governour, the Council and Assembly to have a certaine deed poll declaring uses of a parcell of Land without the Gate of the City of Newyorke, purchased from Capt Willm Dyer, cutt off & made void by Act of Gen^ll Assembly, & to Enable the Executors of Thomas Lloyd decd. to sell the same for payment of debts.

The Council are unanimously of opinion the same ought to be granted.

Ordered, A Bill Enabling the Executors of Thomas Lloyd &c. be read a first, second and third time.

His Excell the Govern^r & Council do assent unto the Bill Enabling the Executors of Thomas Lloyd &c, being three times read.

Ordered, it be recommended to the Assembly to consider of a Bill for payment of Maj^r Schuylers Company, from the first of March to the first of May 1696, & that ffred. Philips Esqr deliver this recommendacōn.

Ordered, a Bill for raising £2593. 6. 8. be read a first time.

Adjourned till afternoon.

At A Council held at his Matyes ffort in Newyorke, the 16th of Aprill, 1696. Afternoone.

PRESENT — *His Excellency* BENJAMIN FFLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, GAB. MONVIELLE, } Esqrs.

WILL^m PINHORNE, PETER SCHUYLER, CALEB HEATHCOTE, } Esqrs.

Ordered, Coll Steph Cortlandt, Coll Nich Bayard, Coll Willm Smith, William Pinhorne Esqr & Coll Caleb Heathcote be a Committe to conferr with a Committe of the Assembly concerning these words in the Bill for raising £2593. 6. 8^d. vizt: to ffree the Inhabitants of the Province from detachments except in case of invasion or rebellion for and during the space of one year from the first of May 1696 to the first of May 1697; and that Coll Monvielle cary the message and desire the Assembly to appoint a Committe accordingly.

The Bill to Enable the Executors of Thomas Lloyd &c is Enacted by his Excell the Governour.

Adjourned till morrow morning.

At A Council held at his Matyes ffort in Newyorke, the 17th *of Aprill*, 1696.

PRESENT — *His Excell* BENJAMIN FFLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, WILLm SMITH, } Esqrs. WILLIAM PINHORNE, CALEB HEATHCOTE, } Esqrs.

A Message from the Assembly was read signifying that the house do assent unto an amendment proposed by the Committe of the Council yesterday vizt: that, instead of invasion and rebellion, be inserted: inevitable necessity.

His Excell did offer his opinion not to passe the sd Bill for raising of £2593. 6. 8. with these words in it, being intended as a limitacōn of his power granted him by his Matye.

Whereupon the Council do advise his Excell, that they have conferred with the Committe of the Assembly at sundry times and understand, they will give no supplys for security of the fronteers but upon expectacōn of being eased from detachments, & that something be put in the Bill to that purpose to please the people — That there is an absolute necessity for getting supplys for the fronteers, And forasmuch as his Excell is judge of the inevitable necessity to detach, do therefore advise his Excell to passe the Bill as they have agreed to amend it.

The Bill for raising £2593. 6. 8. being read a second time, and it being observed there is present occasion of money to levy recruites for the fronteers & for encouragement of those already there, the backwardnesse of the payment of the 700£ raised by the Assembly in Octor last, whereof very little as yet paid to the Recr Genll and that the first payment of the 2593. 6. 8 is to [be] made the 27th of September next, by direction of the Act, and no provision made in the Bill for an immediate supply to answer the intended purposes of the Act.

It is therefore *Ordered*, the Gentl of the last Committe be a Committe to Conferr with a Committe of the Assembly, to be thereunto appointed, upon some method to provide a present supply to answer the present charges of raising recruits.

Adjourned till morrow morning.

At A Cōuncil held at his Matyes ffort in Newyorke, the 18th *of Aprill*, 1696.

PRESENT — *His Excell* BENJAMIN FFLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, GAB. MONVIELLE, WILLm SMITH, } Esqrs. WILLIAM PINHORNE, PETER SCHUYLER, CALEB HEATHCOTE, } Esqrs.

His Excell did expresse that the more he considered the Bill for raising the 2593. 6. 8, the greater aversion he hath to passe it; That he never had had any difference with the Council since their Matyes did conferr this trust upon him, and hoped there should never be any; and if it be their opinion that he passe that Bill, he will consent to passe it, though against his own inclinacōns, for which he did offer his reasons in writeing, And desired they will withdraw to a room by themselves and consider of them, and if they insist to advise his Excell to passe it, that then they will put their reasons likewise in writeing, that they remain upon record.

The REASONS offered by his Excell against passing the Bill.

First. The Bill does not answer the end; there is no provision made for the expence of officers that must be imployed to the neighbouring Colonies in raising of the men, nor for the incidentall charge of marching and transporting the men to the fronteers, if they can be raised (which is yet a doubt, and allowing the money to be all solvend and paid at the time appointed (which can never be expected), it cannot answer the sume of three pounds a man levy money, which must be instantly paid them in hand.

Secondly. If these men cannot be levyed upon this encouragement, there is no provision made for the security of the Province; money without hands gives no defence, and though you may allow me to be Judge of the inevitable necessity, the Representatives plainly show they are not of this opinion, by refuising to allow such a proviso to be put in the bill.

Thirdly. By this Bill the power of detachments seems to be cutt off for a twelve month. The words—inevitable necessity—will need an explanacōn, which the Assembly (as they have done in another case, will alwayes pretend to be judges of, by which means the people will be blown up to a flame and deny obedience to my commands, be the necessity never so great and inevitable.

BEN FFLETCHER.

The Reasons offered by the Council for the passing of the Bill.

We are humbly of opinion with yor Excellency, that this Bill does not fully nor perfectly answer the end; but we do humbly offer that, after many debates and conferences with the Committees of the Assembly upon these heads, we do not finde any other better wayes or means can be at present obteind. And that although there is by the said Act no provision made for incidentall charges, that must certainly accrue in the imploying officers for the procuring levying and transporting such men as shall be so gott, yet in regard to this disposition of this money for this end is left to be imployed as yor Excellency shall judge fitt, We are of opinion that such part thereof as may be needfull and can be presently raised, may be propperly applicable to the imploying officers for that end to the neighbouring Provinces.

To the *second.* We are humbly of opinion that though in expresse words, in case the way of raising men by this Bill without detachments fail, there is no other certaine way proposed, yet we are humbly of opinion that if after all means used for levying these men without detachments they cannot be gott, it must then be understood there will then be an inevitable necessity for detaching men out of this Province, and that your Excell will be pleased to send for the whole house and so explain that clause to them.

To the *third.* We do humbly offer our opinion to yor Excell, that by this Act yor Excell^s power of detaching is not cutt off, but restrain'd as in the foregoing article is explained, and such an explanacōn will prevent all misinterpretacōn on that head.

For which reasons We are humbly of opinion, That it is agreeable to his Matyes service and for the ease and benefite of this Province that yor Excellency do give your assent unto the said Bill; which is humbly submitted by

Yo^r Excell obedient servants

N. Bayard
S. Cortlandt
C. Heathcote
G. Monvielle
W. Pinhorne
P. Schuyler
W. Smith

Ordered, the Bill for raising £2593. 6. 8 be read a third time.

His Excellency the Govern^r & Council do assent unto the bill for raising £2593. 6. 8, being three times read as amended.

Ordered, the Cl of the Council do inquire if the Assembly have any thing to offer this forenoon; who brought answer, there is something the Assembly have to offer forthwith.

Ordered, the Message from the Assembly be read whereby they desire for some consideracōns, that his Excellency the Governour and Council will please to joyne with the Assembly in taking up two hundred and fifty pounds upon the creditt of the Government at tenn ℔ cent interest, untill the same be paid, which they will provide for next sessions, being to pay off Maj^r Schuylers Company of fusileers from the first of March last to the first of May ensueing, being two months.

His Excell the Govern^r & Council do agree thereunto.

Ordered, Lt Coll Monvielle cary down this answer to the Assembly and desire them to take into their consideracōn the debts of the Government & the Chappell.

Adjourned to the 20th of Aprill.

At A Council held at his Matyes ffort in Newyorke the 20th *of April,* 1696.

Present— *His Excellency* Benjamin Fletcher, &c.,

Steph. Cortlandt, Nich. Bayard, Gab. Monvielle, } Esqrs.
Willm Pinhorne, Caleb Heathcote, } Esqrs.

Capt Schuyler & Capt Whitehead brought a Message from the Assembly desiring a Committe May be appointed to consider of the debts of the Government and charge of the Chappell against next sessions; which is read.

Whereupon His Excell and the Council do think fitt & necessary for his Matyes service, the Assembly do proceed immediatly upon the accounts of the Government and the Chappell; And therefore it is

Ordered, Coll Steph Cortlandt, Coll Nich Bayard, Willm Pinhorne Esqr and Coll Caleb Heathcote be a Committe of the Council to conferr with a Committe of the Assembly at Coll Heathcotes chamber, this afternoone thereupon. And that Lt Coll Monvielle deliver this answer to the Assembly and desire they will appoint a Committe of their house accordingly.

Adjourned till the 23th of Aprill.

At a Meeting of Committes of Council & Assembly at Coll Heathcotes chamber April 20th, 1696.

PRESENT—

Coll CORTLANDT,
Coll BAYARD,
WILLm PINHORNE,
CALEB HEATHCOTE, Esqrs. } Of the Council.

Capt SCHUYLER,
Majr HOWELL,
Majr WESSELLS,
Majr DEMYRE,
Capt READE, } of the Assembly.

Capt WHITEHEAD,
K. V. RANSLAER,
TUTHILL,
VAN EKELIN, } of the Assembly.

The Committe of the Assembly refuise to treate of finishing the Chappell, having no direccōns from their house to meddle any further than the accounts of the Government.

Adjourned till morrow morning.

At A Meeting of the Committees the 21th of Aprill 1696 ibidem

PRESENTIBUS— *iisdem cum* ELLIS DUXBURY *qui heri aberat.*

After some debate it is agreed, that there is due to the taxes, Majr Ingoldesby expedicōn included £317. 13. ¼ and that when all the money raised by the additionall duty is paid to the propper uses to the 25th of March 1696, there remains the sume of Eight hundred ninety five pounds four shills eleven pence, wanting to answer those uses.

At A Council held at his Matyes ffort in Newyorke, the 23th *of Aprill*, 1696.

PRESENT — *His Excellency* BENJAMIN FLETCHER, &c.,

ffred PHILIPS,
STEPH. CORTLANDT,
NICH. BAYARD,
GAB. MONVIELLE, } Esqrs.

WILLIAM PINHORNE,
PETER SCHUYLER,
JOHN LAURENCE,
CALEB HEATHCOTE, } Esqrs.

His Excell ordered the votes of the house to be read.

The Committe of the Council did report what had passed at their meeting, which was read.

Adjourned till the 24th of Aprill.

At A Council held at his Matyes ffort in Newyorke, the 24th *of April*, 1696.

PRESENT— *His Excell* BENJAMIN FLETCHER, &c.,

STEPH. CORTLANDT,
NICH. BAYARD,
GAB. MONVIELLE, } Esqrs.

WILLIAM PINHORNE,
PETER SCHUYLER,
CALEB HEATHCOTE. }

A Bill being returned from the Assembly for continueing the addicōnall duty for eighteen months longer, from the 10th of November next ensueing &c. the same was ordered to be read a first, second & third time.

His Excell the Governour & Council do assent unto the Bill continuing the additionall duty, eighteen months longer &c, being three times read.

Ordered, the Cl of the Council do call Mr Speaker & the whole house to attend his Excell in Council Chamber forthwith; being all present his Excell said:

Mr Speaker and you Gentl Representatives,

This is the Cheife Bill upon which our safety hinges; its for money to levy men to recruite his Matyes Companyes for the strengthening of the fronteers. I have some exceptions to the wording of it, and the substance. I was against the passing of it, and gave my reasons to the Council. It does not seem to answer the end. The Gentl of the Council have given in their Opinions under their hands for passing of it, I have resigned my reason to theirs and therefore passe it.

Gentl. I am as tender of the peoples ease as any of you, and have earnestly both studyed that and their safety; yet if men cannot be found for the encouragement you enable me to give,

notwithstanding the endeavours and pains I shall take to procure them, and the fronteers become weak and exposed, I shall think the necessity of detachments inevitable, being resolved not to lose one fort of this Province while I have hands to defend it. When the disease is desperate, the cure must be soe and as this is the sharpest remedy, it shall be the last I shall use, and obvious to all good men the necessity is inevitable.

The second is a Bill for paym^t of debts contracted long before my arriveall. It is Commendable in you to keep up the credit of the Government. I have bin as good a husband of the Kings revenue as ever I was of my own private fortune. I understand not an account. I left that part to the Gentl of the Council who are of the greatest interest amongst you; whom I beleive to be honest men and to have dealt fairly in the matter of the publick accounts.

The third is a Bill to cutt off a deed of Trust with uses, for payment of debts. It is private. I suppose most of yor affairs will call you home. I think fitt to adjourne you to the 29th of Septem^r next, and desire Mr Speaker to adjourne the house accordingly.

The end of the third Sessions of ye fifth Assembly.

THE FIFTH ASSEMBLY FOURTH SESSIONS.

At A Council held at his Matyes ffort in Newyorke, the 12 *of September*, 1696.

PRESENT— His *Excell* BENJAMIN FFLETCHER, &c.,

FFRED PHILIPS, STEPH. CORTLANDT, NICH. BAYARD, } Esqrs.

WILL^m SMITH, WILL. PINHORNE, PETER SCHUYLER, CALEB HEATHCOTE, } Esqrs.

It is the opinion of the Council in consideracōn there is absolute necessity of his Excell going to Albany to meet the Indians, the Assembly be adjourned to the 15th of Octo^r next, and Proclamacōn ordered accordingly.

[N. Y. Colonial Manuscripts XL., 200.]

BY HIS EXCELLENCY

Coll. *Benjamin Fletcher*, Captain General and Governour in Chief of His Majesties Province of *New York*, *&c.*

A PROCLAMATION.

WHEREAS His Majesties service doth call for my immediate Presence at *Albany*, to Compose and settle the Indians of the Five Nations in a stedfast Friendship with all His Majesties subjects, and to Condole the Loss which they have lately sustained from the *French* of *Canada* and their *Indians*. I have therefore, with the Advice and Consent of His Majesties Council for this Province, thought fit to Adjourn the present Assembly from the Twenty ninth Day of *September* Instant, to the Fifteenth day of *October* next following. And the General Assembly of this Province is hereby Adjourned accordingly.

Given at Fort William Henry *the Twelfth Day* of September, *in the Eighth Year of the Reign of our Soveraign Lord* WILLIAM *the Third, by the Grace of God, King of* England, Scotland, France *and* Ireland, *Defender of the Faith &c.* Annoq; Domini 1696.

BEN. FLETCHER.

God Save the KING.

At A Council held at his Matyes ffort in Newyorke the 15th *of Octo*r, 1696.

PRESENT — *His Excell* BENJAMIN FLETCHER, &c.,

STEPH. CORTLAND, NICH. BAYARD, WILLIAM SMITH, } Esqrs. GAB. MONVIELLE, CALEB HEATHCOTE, } Esqrs.

Adjourned till morrow morning for a fuller house.

At A Council held at his Matyes ffort in Newyorke, the 16th *of October*, 1696.

PRESENT — *His Excell* BENJAMIN FLETCHER, &c.,

FFRED. PHILLIPS, STEPH. CORTLANDT, WILLm SMITH, } Esqrs. GAB. MONVIELLE, WILLIAM PINHORNE, CALEB HEATHCOTE, } Esqrs.

Ordered, the Cl of the Council do desire Mr Speaker and the whole house to attend his Excell in Council forthwith.

The Council and Assembly being present, His Excell said :

Mr Speaker and you Gentlemen Representatives.

The season of the year will hardly admitt of a long session, yet the present State of the Province calls for deliberate and mature consideracōn.

The last session was caryed on with a true regard of Our duty to his Majesty, Our most gracious King. We had no heat, but were united agreeing in all our debates, so I hope it shall alwayes be; We remain the same men and retain the same principles.

Mr Speaker. I am to acquaint you I have been necessitated twice this summer by advice and consent of the Councill, to visite Albany. The ffrench Governour of Canada marched with so considerable a force into the Indian Countrey of Onnondage and Oneyde, that I could not suppose his designe would end there, but expected that he would with that strength attempt Albany, where I was ready to adjust my duty in defence of the place. He contented himselfe with a poor insult over our naked Indians, and retired. Yet he destroyed the Castles and corne of those two Nations who must perish this winter if not releived by us.

You all know they have been true to their Matyes interest in joyning with this Province against our Common Enemy the ffrench, and unlesse encouraged, may be compelled by poverty to make their peace with them.

My second journey was to comfort those distressed Indians and to assure them of his Majestyes Royall favour and protection and to renew the covenant chain with the whole Five nations, which has been done with as much cheerfullnesse on the part of the Indians as I have ever yett observed.

I gave them those presents which his Majesty in his great consideracōn of their services to us (his loyall subjects of this Province) was pleased to send from England, as marks of his Royall bounty; they bespoake the magnificence of Our Great King, yet did not answer the wants of those distressed people, so that the Council thought it necessary to add, at the charge of the Province, such things as suited best their present necessityes. This has occasioned a great charge which I recommend to yor consideracōn and hope you will inquire into.

The Council has joyned with me to take money on the creditt of the Government, to answer this emergency.

At my renewing the covenant chain (so the Indians terme it) I found myselfe obleiged to promise a supply of provisions to the Onondages and Cayouges, they being the only sufferers of the five Nations in the ffrench descent. This I hope you will consider by raising a fund to answer it.

Mr Speaker,

The money so generously granted in a former session for the Encouragement of his Majestyes Companyes has not had the effect you designed and I endeavoured. Either the neglect of the Assessors and collectors or want of force in the Acts has occasioned a great arrear by which the Soldiers have been discouraged and evill minded men have found arguements to perswade them to desert the Service. The most of those who voluntarily inlisted themselves upon the Encouragement you gave of three pound a man levy money (which I am sure was paid them) notwithstanding the addition of four pence a day which you have also given, they have deserted; fourteen out of one company taking the Kings arms with them, and are received and harboured by their relations in the face of the magistracy. This evill has its source principally from the

failure of payments at the appointed times, soe that three Companyes which out to be a hundred each, are dwindled to two hundred twenty one men. One hundred more will barely answer a necessary force for the defence of that place which I recommend to yor consideracōn.

Coll Cortlandt who receives that money, will show you, as he does me, that of the taxes payable the 25th of March past, there is an arreare of twenty-one hundred, seventy-nine pounds, five shillings and four pence farthing, and of that payable the 29th of September last, one thousand two hundred and nineteen pounds, thirteen shillings two pence halfe penny. I hope you will think of preventing this malady by giving force to yor acts, that money be duely paid according to the time and that all deserters may be punished, with those that harbour them.

The security of this Province, yor own Estates and ffreeholds depends upon yor care in these two materiall points.

Mr Speaker

I have received an addresse from the magistrates of Albany desiring my presence with them this winter. I assured them I was ever ready to be where his Majestyes service calls and promised them an answer in fourteen days; but was willing to have the concurrance of the Councill and Assembly in a matter which seems of moment; All correspondance betwixt Yorke and Albany being shutt up by the frost for some months. Their Addresse I shall lay before you; it contains their reasons

I desire a Committe of yor house may joyne a Committe of the Councill to consider of it and give me advice.

I am very sensible of the great pressures We lye under by the present warr while this Province singly bears the weight and is become a frontier to our neighbouring Provinces whose safety is derived from the preservacōn of Albany no less than ours

We not only pay a duty upon our trade but are also taxed for our private Estates the very noise thereof freightens away the trading vessells to the neighbouring Colonies that are ffree from this duty albeit they often come to a worse mercate

I have made frequent applicacōn for assistance from our neighbours but have not been able to obtein one man but this matter will be represented to his Majesty by those imployed for that purpose You have an Agent in England of yor own choice who I am sure will faithfully state the case of the Province before the King and I do not doubt but that his most Sacred Majesty will afford us such releif as will lighten our burthen.

I hope you will not lett a good cause (the Generall concerne) fall for want of a supply.

Gentlemen

You have free accesse to all the books of receipts and disbursements of the Revenue and taxes of the Province I do earnestly desire you'le to satisfy yor selves in the disposition of it

I do declare to you and shall be always able to make it appear that I never received one penny of the publick money raised upon the Countrey neither by my own hand or any other for my use nor never designed or desired to enrich my selfe by it; in this matter you can vindicate me when you please.

I pray God direct you to what may tend to his glory the honour of his Sacred Majesty our King the safety & prosperity of this Province

The Gentlemen of the Councill acknowledge great satisfaccōn in what his Excell was pleased to offer to the Assembly and returne thanks for his Excell great care and conduct.

Adjourned to the twentyeth of Octo^r

At A Council held at his Matyes ffort in Newyorke the 20th of October, 1696.

PRESENT— *His Excell* BENJAMIN FFLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, WILL^m SMITH, } Esqrs.

THOMAS WILLETT, WILLIAM PINHORNE, } Esqrs.

The Assembly did returne the names of a Committe of their house Appointed to concerte with a Committe of the Councill about the necessity of his Excell being at Albany the ensueing winter or of his being at Newyorke and desired a Committe of the Council to be thereunto appointed.

Ordered, Coll Steph Cortlandt, Coll Nich Bayard, Coll Willm Smith, Coll Thomas Willett & William Pinhorne Esq be a Committe to joyne the Committe of the Assembly accordingly to meet at 3 o'clock afternoone at Coll Cortlandts house

Ordered, Coll Willet deliver this answer to the house,

Adjourned till morrow morning

At A Council held at his Matyes ffort in Newyorke the 21st *of Octo*r, 1696.

PRESENT — *His Excellency* BENJAMIN FFLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, WILLm SMITH, } Esqrs.
GAB. MONVIELLE, WILLm PINHORNE, CALEB HEATHCOTE, } Esqrs.

His Excell did communicate intelligence from Albany of a party of ffrench that were come from Canida to do mischeife upon the fronteers of this Province who are defeated & their leader wounded three of whom are brought heither prisoners & That a party of Indians & Youth from Albany are commanded to the Crown Point halfe way to Canida to intercept their retreate which will cause some charge.

Ordered, the papers be sent to the Assembly for their perusall and that they be desired to consider of the charge that does accrue by so necessary a service.

The Committe of the Council do report that they had concerted with the Assembly concerning his Excell being at Albany next winter and finde the major part of the Committe for his Excell tarrying at Newyorke the Seat of Government who did likewise say they did beleive it the opinion of the most of the house.

Adjourned till morrow morning.

At A Council held at his Matyes ffort in Newyorke, the 22th *day of October*, 1696.

PRESENT — *His Excell* BENJAMIN FFLETCHER, &c.,

FFRED. PHILIPS, STEPH. CORTLANDT, NICH. BAYARD, WILLm SMITH, } Esqrs.
THOMAS WILLETT, WILLIAM PINHORNE, } Esqrs.

It is Ordered that part of Mr Livingstons peticōn relating to the £388. 8. 7 be recommended to the Assembly according to the report of the Committe of the Councill thereupon.

Adjourned till morrow morning.

At A Council held at his Matyes ffort in Newyorke, the 23th *day of Octo*r, 1696.

PRESENT — *His Excell* BENJAMIN FFLETCHER, &c.,

NICH. BAYARD, WILL. SMITH, GAB. MONVEILLE, } Esqrs.
WILL. PINHORNE, CALEB HEATHCOTE, THO. WILLETT, } Esqrs.

The votes of the house yesterday being read this day and it appearing that the Assembly have not provided to give a supply to answer the addicōnall charge of the Indians &c but upon that head have concluded that since there is so great an arrearage of taxes the sd charge be paid out the revenue.

That to that clause of his Excells Speech relating the arrearages of taxes they have voted that such bills brought into the house be made of such force as may be answerable to the Law of England.

And that having formerly sent up a Bill for punishing deserters &c which was laid aside they cannot fall upon a better way.

It is therefore *Ordered*, Coll Stephen Cortlandt, Coll Nicholas Bayard, Coll Will Smith, William Pinhorne Esqr and Coll Caleb Heathcote be a Committe to concerte with a Committe of the Assembly upon the sd votes and resolves at Coll Cortlandts house at 3 a clock this afternoone and that Coll Willet doe carry this message to the house and desire them to appoint a Committe accordingly.

At A Council held at his Matyes ffort in Newyorke the 28th *day of Octo*r, 1696.

PRESENT — *His Excell* BENJAMIN FFLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, GAB. MONVIELLE, } Esqrs. WILL. PINHORNE, CALEB HEATHCOTE, } Esqrs.

His Excell did communicate to the Council An Addresse presented to him by Captain Reade and Capt Demyre from the Assembly in *hæc verba.*

*May it please Yo*r *Excellency*

Vpon the consideracōn of the report of the Committe of this house that conferred with a Committe of the Council concerning that part of yor Excells speech relateing to the Addresse of the Magistrates of Albany and of yor Excell residence there this ensueing winter the house cannot but with the greatest of thankfullnesse acknowledge the care yor Excell hath alwayes had of the fronteers of this Province and more especially for the great dispatch yor Excell made in visiteing the same upon the late Invasion of the ffrench to the great terrour and discouragement of the enemy who withdrew their forces without doing any considerable damage and also with the like gratitude they humbly acknowledge Yor Excells great condescention in consulting them in a matter of that trust which his Majesty has been graciously pleased only to lodge with Yor Excell and that as heitherto they have experienced the good effect that has alwayes attended Yor Excells faithfull discharge of the said trust by having the fronteers preserved from any insults of the enemy so that they have cause to beleive that by Yor Excells future prudent conduct the same may be preserved from any encroachment of the enemy and the subjects in the rest of the Province to remain in perfect tranquillity and with intire confidence thereof they with all cheerfullnesse will be ready to assist Yor Excell in all attempts against the enemy with the outmost of their ability and humbly pray for a continued prosperity to attend Yor Excell in all Yor Excells endeavours for the preservacōn of the fronteers and good of the Province.

By order of the house of Representatives.

JA. GRAHAM, Speaker.

Resolved, thanks be returnd to the Assembly from His Excell the Governr and Councill for their favourable Addresse and that they be made acquainted that His Excell having some apprehension of difficulty in getting the hundred men to recruite the Companyes at Albany before the shutting up of the river in which case his Excell is resolved to put his person in that Garrison whereby an extraordinary charge will accrue and in procuring the Inhabitants of Vlster and Dutchesse County to march upon occasion theither and from Connecticutt if they will Comply As alsoe many other incidents which cannot be computed before hand will happen upon the fronteers for which reasons His Excell desires the Assembly will order the surplusage of the money that is provided for such of the hundred men as cannot be gott may be applyed to answer the extraordinary charge and to know the resolution of the whole house therein.

Ordered, William Pinhorne Esqr and Coll Caleb Heathcote do returne the thanks of his Excell and Councill and deliver this message to the Assembly.

Adjourned till morrow morning.

At A Council held at his Majestyes ffort in Newyorke, the 29th *day of Octo*r, 1696.

PRESENT — *His Excell* BENJAMIN FFLETCHER, &c.,

FFRED. PHILIPS, STEPH. CORTLANDT, NICH. BAYARD, } Esqrs. GAB. MONVIELLE, WILLIAM PINHORNE, CALEB HEATHCOTE, } Esqrs.

Ordered, A Bill for raising one hundred men & £1200 be read a first second and third time.

His Excell the Governour and Council do assent unto the sd bill being three times read with the following amendments (to wit)

That in pag 4th line 9th insteade of (defraying his Excells journey to Albany at) be inserted (expended for the releife and encouragement of the Indians to continue Stedfast in their allegiance and freindship at and since.)

That in pag 4. line 14. instead of (his Excells said journey) be inserted (the said charge.)

That such clause and provision be made in case of the neglect or default of the Mayor Aldermen and justices of the peace as is provided and Enacted in an Act of a former Assembly Entituled An Act for the raising of £6000 &c.

That the Assessors be limited to some time to bring in their rolls of Assessement.

And that in fol 11. line 5th after (cary away) be inserted, any where within this Province.

It is ordered Leivt Coll Gabriell Monvielle and William Pinhorne Esqr do cary down this Bill with the amendments annexed for the consent of the Assembly unto them.

Adjourned till morrow morning.

At A Council held at his Matyes ffort in Newyorke, the 30th day of October, 1696.

PRESENT — *His Excell* BENJAMIN FLETCHER, &c.,

STEPHEN CORTLANDT, NICHOLAS BAYARD, GABRIELL MONVIELLE, } Esqrs. WILLIAM PINHORNE, CALEB HEATHCOTE, } Esqrs.

The Assembly having made returne of what amendments in the Bill for raising 100 men and £1200 they can agree to the same were three times read and assented unto by the Governr & Councill and His Excell did Enact the sd Bill.

The Assembly having sent up a Bill to vacate a Deed of Trust made by John Robinson to William Nicolls Esqr and to confirme a deed Poll for the land contained in the sd deed of trust to Cornelius Barneson.

It is *Ordered* William Pinhorne Esqr do waite upon Mrs Nicolls to know if her husband has advanced anything upon consideracōn of the said Deed of trust to the children of Mr Robinson.

Mr Pinhorne brought answer that she was willing the Bill do passe forasmuch as she knew her husband no other wayes to be concerned than to be named trustee therein.

Ordered the sd bill be read a first second and third time.

His Excell the Governour and Council do assent unto the sd Bill being three times read and His Excell did Enact the same.

A message of the Assembly was delivered in Council to his Excell by Majr Howell with seven more of the house who were appointed a Committe and desire a Committe of the Council be appointed to conferr with them in drawing up an Addresse to his Most Excellent Matye and an Association to be signed by his Excell the Governour & Council and Representatives of this Province mett in Generall Assembly being their first sessions after the joyfull news of that wonderfull deliverance to his Matyes sacred person and Government from the horrid and detestible Plott and Confederacy.

Ordered, the whole Council or any four of them be a Committe to joyne the Committe of the Assembly at Coll Cortlandts house 3 a clock this afternoone in the forming such Addresse and Association.

Ordered, Lt Coll Monvielle returne this answer to the Assembly.

Adjourned till the 2d of November.

At A Council held at his Matyes ffort in Newyorke, the 2d day of November, 1696.

PRESENT— *His Excellency* BENJAMIN FFLETCHER, &c.,

FFRED PHILIPS, STEPH. CORTLANDT, NICHOLAS BAYARD, } Esqrs. WILLIAM PINHORNE, CALEB HEATHCOTE, } Esqrs.

Ordered, William Pinhorne Esqr do deliver to the Assembly the Paper relating to that part of Mr Livingstons peticōn concerning the £388. 8. 7.

His Excell did recommend to the Councill to use their endeavours to procure the £1200 upon the Creditt of the Act of Assembly forthwith that the recruits may be levyed and desired they will report what is done therein next meeting.

The Councill promise their outmost endeavours.

His Excell did acquaint the Council that this place in all probability is secured from any attempt by sea these winter months that the Inhabitants of Albany are in some consternacōn and fear of the Enemy many of the Inhabitants threatening to remove which howsoever groundlesse and without reason is to be regarded for that the Indians finding the Inhabitants removed may be thereby discouraged & fall away to the ffrench. And therefore his Excell did publish his resolution of setting forth for Albany next week at furthest.

The Councill do returne their thanks for his Excells great care of the Province that he will expose his person to such hardship for the safety and welfare of the Province.

Majr Demyre and Mr Ranslaer brought a Message from the Assembly desiring to know if his Excell had anything to offer for his Matyes services at this time.

Whereupon it is resolved there is not further at present to be offered only the businesse relating Mr Livingston which was recommended to them this morning And that they be made acquainted of the difficulty there is to raise the £1200 at interest upon the creditt of the Act and of getting 100 men and his Excell having thereupon declared that he finds it necessary for him to put his person in Albany this winter and that he will sett forth next week it is hoped they will consider against next sessions of the extraordinary charge that will happen.

Ordered, William Pinhorne Esqr and Coll Heathcote do deliver this message to the Assembly.

Adjourned till morrow morning.

At A Council held at his Matyes ffort in Newyorke, the 3d of November, 1696.

PRESENT— *His Excell* BENJAMIN FFLETCHER, &c.,

FFRED PHILIPS, STEPH. CORTLANDT, NICH. BAYARD, GAB. MONVIELLE, } Esqrs.

THOMAS WILLETT, WILLIAM PINHORNE, CALEB HEATHCOTE, } Esqrs.

His Excell the Governour and Council did signe An Addresse of Congratulation to his Most Excellt Matye & an Association and sent to the house of Representatives to be signed by the whole house.

THE ADDRESSE.

To the KINGS *Most Excellent* MAJESTY.

The humble Addresse of yor Majestyes Captaine Generall and Governour in Cheife and the Councill and Representatives of yor Matyes Province of New Yorke in America now mett in Generall Assembly.

We yor Majestyes most humble most Loyall and most Obedient Subjects deeply sensible of the great and good providence of Almighty God lately manifested to all yor Majestyes good people in the most gracious and wonderfull deliverance of Yor Sacred Person from the horrid and detestible conspiracy of Yor Enemys Do heartily congratulate the same and do daily offer up our prayers to Almighty God for the preservacōn of Yor Majestyes Person so frequently exposed to danger for our religion and liberty and to grant unto Yor Majesty long life a victorious and happy reigne.

November 3d 1696

BEN FFLETCHER	N. Bayard	William Pinhorne
fredryck flypse	G Monvielle	John Laurence
S. V. Cortlandt	Thomas Willett	Caleb Heathcote

David Jamison, Cl. Concilij.

THE ASSOCIATION.

WHEREAS there has been a horrid and detestible Conspiracy formed and caryed on by Papists and other wicked and traiterous persons for assassinateing his Matyes Royall Person in order to encourage an invasion from ffrance on England to subvert our religion Laws & liberty.

We His Matyes Governour and Councill and Representatives of his Matyes Province of Newyorke in America now mett in Generall Assembly whose names are hereunto subscribed do heartily sincerely and solemnly professe testify and declare that his present Majesty King William is rightfull and Lawfull King of the Realme of England Scotland and Ireland and Supreme Lord of all the Territoryes and Dominions to the sd Kingdoms belonging or depending on them that neither the late King James nor the pretended Prince of Wales nor any other person hath any right whatsoever to the same And we do mutually promise and engage to stand by and assist each other to the outmost of our power in the Support and defence of his Majestys most Sacred Person and Government against the late King James and all his adherents and in case his Majesty come to any violent or untimely death (which God forbid) We do hereby further freely and unanimously obleige ourselves to unite associate and stand by each other in revenging the same upon his Enemyes and their adherents and in supporting and defending the

Succession of the Crown according to an Act made in the first year of the reigne of King William & Queen Mary, intituled An Act declaring the rights and libertyes of the Subject and settling the succession of the Crowne

Newyorke the 3d of Novembr 1696

BEN FFLETCHER	N Bayard	Willm Pinhorne
fredryck flypse	G Monvielle	John Laurence
S. V. Cortlandt	Thomas Willett	Caleb Heathcote
	David Jamison, cl. concilij,	JAMES GRAHAM Speaker &c

His Excell did adjourn the Genll Assembly to the 25th of March next and desired Mr Speaker to adjourne the house accordingly.

THE FIFTH ASSEMBLY FIFTH SESSIONS

At A Council held at his Maties ffort in Newyorke the 25th day of March, 1697.

PRESENT— *His Excellency* BENJAMIN FLETCHER, &c.,

FFRED. PHILIPS, STEPH. CORTLANDT, NICH. BAYARD, } Esqrs. GAB. MONVIELLE, WILLIAM PINHORNE, } Esqrs.

The Clerk of the Assembly from the Representatives waited upon his Excellency to acquaint him that they are mett according to adjournment and that the Representatives of Albany are not yet come

Adjourned till munday next

At A Council held at his Majestyes ffort in Newyorke the 29th day of March, 1697.

PRESENT — *His Excellency* BENJAMIN FLETCHER, &c.,

FFRED. PHILIPS, NICH. BAYARD, GAB. MONVIELLE, } Esqrs. WILLIAM PINHORNE, CALEB HEATHCOTE, } Esqrs.

A Message was brought from the house of Representatives signifying that the house were mett & waited his Excells pleasure to recommend to them what may be for his Maties and the Countreys service

Ordered, the Cl of the Council do call the Speaker and the whole house to attend his Excell in Council forthwith being present

His Excellency said:

Mr Speaker and you Gentl Representatives

I am very glad to meet you here according to your adjournment the last Sessions I just now heard the members of Westchester County have absented and hope Mr Speaker the house will do that right to their own honour to inquire into the reason of their absence

I was called to Albany this Winter by a double obligacōn my duty to his Most sacred Majesty in discharge of that trust he has been graciously pleased to put into my hands and my affeccōns to his subjects of that City who by addresse desired my presence with them.

And indeed the intelligence of a designe on that place by the ffrench and their Indians (being flusht with their successe on Pemaquid in New England the last Summer) was a sufficient spurr to me.

I therefore resolved to make Albany my winter quarter looking upon it not only as a barrier to this Province but to other Colonies of his Majestyes Empire in America.

My passage met with some difficultyes by an early winter being twice drove a shoare by the ice and at last lockt up by it yet I made the journey in twelve days though with some extraordinary expense being necessitated to travell part of the way by land with a detachment of my own Company

Coll Schuyler who commands the militia in those parts and speaks the language was very active in procureing waggons and other assistance as sleas for bringing up feild pieces small arms ammunition &c which could not be done gratis.

This journey had the effect I expected some familyes who designed to remove upon the report of my coming staid by which this garrison was much strengthened.

I observed in all the Inhabitants great Zeale for his Majesties service they were cheerfull in the performance of their duty watchfull and vigilant upon those guards committed to their care.

The inhabitants are somewhat straitened by quartering his Majesties Companyes the houses are small fitted only for the conveniency of their own familyes if Barracks were built (which would be no great charge) the inhabitants would be eased, soldiers better accommodated desertion easier prevented and the City better fortifyed

And as you have heitherto showed great reguard for his Majesties service in taking care aswell for recruiting as better subsisting his Majesties Companys so I hope you will continue in the good minde of easing the inhabitants by accomodating the soldiers

Your last gratuity to them had that influence that not one man has deserted since

I desire you'le appoint some of your house to look into those payments by which you'll see that so much money as could be gott upon the creditt of that act has been applyed as it directs.

Those recruits from Connecticutt came very seasonably they had their levy money and those two officers that conducted them were paid one pound for each man as a reward for their pains and care which I hope gave them all satisfaccōn

The Winter seems the most propper season for the ffrench to make an attack upon Albany all rivers lakes and marshes being so hard by the frost that cannon may be drawn &c Yet in Summer those parts suffer most by sculking parties of ffrench and Indians so that I must recommend to you the care of recruiting his Majesties Companyes at May next (when the terme of those inlisted by your act determines) otherwise it will be impossible to cover the out plantacōns those farmers will remove and leave the Countrey waste the consequence of that will be the desolation of the City which must then become a garrison

The five Nations of Indians can have no releife there their friends being gone which they must justly conclude to be the fear of the ffrench and those Indians will then purchase their safety and conveniency by joyning to our Enemyes of Canida

The care you have taken for payment of a party to advance upon the enemyes borders and lodge there for sometime to discover their mocōn is of great use I hope you will continue that allowance and alsoe consider the advantage we found last summer by the payment of six pounds to any Christian or Indian for every head they bring in of those sculking murderers who spare neither women nor children. By that encouragement we had some of them cutt of in September last; those Gentlemen you have intrusted in the payment of the advance partyes are without doubt the best qualifyed for this Being resident in Albany they should have a fund or creditt to pay for every head brought in

The punctuall payment for last summers service will spur many young men to be adventurers both Christians and Indians they'll hunt hard upon this encouragement I desire you'll continue life in so honest a designe for the preservacōn of his Majestyes subjects in those parts

I cannot be unconcerned at the hardship this Province lies under above others (by reason of this warr) you have agents now attending his Majesty he is our gracious King father of his people, he will hear

A true and plain account of our circumstances will be represented and releife obteined from his Majestyes pious care of all his subjects.

You have seen the Memoriall given in to their Excellencyes the Lords Justices. I have since received letters and another paper given in by those Gentlemen to the Right Honorable the Commissioners for trade and Plantations I shall communicate them to your house.

I know those Gentlemen imployed from the Province are faithfull and diligent I will not question their successe if we are not wanting to ourselves; they are at an extraordinary charge one of them is out of the road of that businesse which is his support; his fortune and his family both suffer by his absence He was appointed by your selves You'll consider what is proper to be done for the carying on so good a worke which is so well begunn and when finished will lighten our present burden and secure us from the attempts of our Enemyes.

Gentl I pray God direct you.

The Representatives being withdrawn the Council do unanimously returne thanks to his Excellency for his favourable speech.

Maj^r Howell and some other Representatives from the house bring a Message wherein the house returne thanks for his Excellencyes care in Exposing his person to so many hardships & danger for the security of the fronteers this winter and for his favourable speech and desire a copy thereof.

Adjourned till morrow morning.

At A Council held at his Majesties ffort in Newyorke, the 30th of March, 1697.

PRESENT — *His Excellency* BENJAMIN FLETCHER, &c.,

FFRED. PHILIPS, NICH. BAYARD, GAB. MONVIELLE, } Esqrs. WILLIAM PINHORNE, CALEB HEATHCOTE, } Esqrs.

Mr Stillwell and Mr Suebringh bring a Message from the Assembly wherein they desire a Messenger at arms may be appointed to attend the house in order to their expediting the first thing recommended by his Excell in his speech.

His Excell by advice of the Council do appoint Mr Richard Stoaks to be Messenger at arms to the house of Representatives.

The peticon of Gyles Silvester was read and referred to the consideracōn of the house of Representatives.

Adjourned till morrow.

At A Council held at his Maties ffort in Newyorke, the first of Aprill, 1697.

PRESENT — *His Excellency* BENJAMIN FLETCHER, &c.,

FFRED. PHILIPS, NICH. BAYARD, GAB. MONVIELLE, } Esqrs. WILLIAM PINHORNE, JOHN LAURENCE, } Esqrs.

An agreement between Coll Thomas Dongan & Commissioners from Connecticutt concerning the Boundarys between this Province and that Colony was read with a letter thereupon Anno 1684 from Governr Treate & the other Commissioners desiring the Inhabitants of Rye and Bedford to be obedient under the Government of this Province which were ordered to be copyed and sent to the Representatives for their informacōn.

Ordered, that Proclamacōn issue forth agst Humphrey Vnderhill a Representative for Westchester County & inhabitant of Rye requiring him upon his perill to appear at the barr of the Representatives to answer his contempt according as the house have desired in an Addresse sent up.

Adjourned to the third of Aprill.

At A Council held at his Majesties ffort at Newyorke, the 3d of Aprill, 1697.

PRESENT — *His Excellency* BENJAMIN FLETCHER, &c.,

FFRED. PHILIPS, STEPH. CORTLANDT, NICH. BAYARD, } Esqrs. GAB. MONVIELLE, WILLm PINHORNE, } Esqrs.

The peticōn of William Merritt and others being read It appearing that of the money which was due from the Sherriffs of Nassaw assigned for the payment of the peticōners there is in the hands of the Receiver Generall and the rest accounted for in great part by the Sheriffs since the first audite Anno 1684.

It is therefore *Ordered*, the peticōner William Merritt have a warrant upon the Receiver Genll for paymt of what is in his hands to William Merritt for himselfe and others use in sd account and that they apply to the Assembly to provide a fund for the paymt of the remainder.

The Inn holders peticōn read & are desired to give in their particular demands.

Adjourned to the 9th of Aprill.

At A Council held at his Maties ffort in Newyorke, the 9th of Aprill, 1697.

PRESENT — *His Excellency* BENJAMIN FLETCHER, &c.,

NICH. BAYARD, WILLIAM SMITH, THOMAS WILLETT, } Esqrs. WILLIAM PINHORNE, CALEB HEATHCOTE, } Esqrs.

Ordered, the Clerk of the Council waite upon the house to know if anything be ready to offer this forenoone who brought answer—nothing

Adjourned till morrow morning

At A Council held at his Maties ffort in Newyorke the 10th of Aprill, 1697.

PRESENT — *His Excellency* BENJAMIN FLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, WILLIAM SMITH, } Esqrs. THOMAS WILLETT, WILLIAM PINHORNE, CALEB HEATHCOTE, } Esqrs.

Ordered, the Bill for raising £1500 passed by the Representatives be read a first time.

Being read it was debated whether there should be a conference had upon the uses and disposition of the money therein raised or that his Excell send for the Speaker and whole house to signify his opinion to them

Adjourned to the 12th of Aprill.

At A Council held at his Majestyes ffort in Newyorke the 12th of Aprill, 1697.

PRESENT — *His Excellency* BENJAMIN FLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, GAB. MONVIELLE, } Esqrs. WILLm SMITH, WILLm PINHORNE, CALEB HEATHCOTE, } Esqrs.

It is the opinion of the board that his Excell offer his own opinion to the Speaker and the whole house

Ordered, the Clerke of the Council do desire the Speaker and whole house to attend his Excell forthwith who being present

His Excellency said:

Mr Speaker and you Gentlemen Representatives,

I sent for you to have a right understanding of the Bill whereby you raise £1500 for your own security the sume would answer the service for that time if rightly appropriated but first consideracõn ought to be had that the Companys on the fronteers are to be recruited the first of May next the first payment of this money is the 29th of September and no clause in the bill for interest so that levy money cannot be paid in hand and consequently none will inlist besides the 4d a day is cutt off which is so great a discouragement that no new men will enter nor the old men be kept from desertion as I told you that kept our men together none had deserted when they found it paid, so the taking it off will make them runn You all know the Kings pay does no more than feed them, 2d sterling is stopt in England to answer cloathing

You take no notice of my Company who by detachments have rolld upon duty in the fronteers part of them were with me all this winter and a detachment of them have been twice on board the Richmond ffrigott to strengthen her in her cruising and prevent the pressing of yor seamen but I wave that

The sume of £791. 4s. is an extravagant and unnecessary charge being to keep Indians at 18d a day and Christians at 3s a day in constant pay for six months as scouts, the companys being completed it will be better performed for £200 for encouragement of such as march upon that service and only paid for such dayes as they are upon that duty which is directed by my instruccõns to the commanding officer in that garrison a copy of which is left in the hands of the Mayor It is very necessary a sume of money be lodged at Albany to pay them punctually as they come in from their marches & do execucõn upon the enemy

The money you so generously give will answer all this that I proposed to you, the interest, levy money, groat a day for 300 men and scouts for the time, if it were not so circumscribed in

this Bill; I have been at Albany long enough to judge what methods are propper for the security of that place and will at the hazard of my life undertake the defence of it if the Assembly please to answer what I laid before them at the opening of this Sessions and the sume granted will answer what I proposed therefore I desire you will go together and consider of it

I pray God direct you

The Council do approve what his Excell was pleased to offer to the Assembly

Adjourned till morrow morning

At A Council held at his Majesties ffort in Newyorke the 13th *day of Aprill*, 1697.

PRESENT — *His Excellency* BENJAMIN FFLETCHER, &c.,

STEPHEN CORTLANDT, NICH. BAYARD, GAB. MONVIELLE, } Esqrs.

WILL. SMITH, WILL. PINHORNE, CALEB HEATHCOTE, } Esqrs.

Ordered, that Coll William Smith & Coll Caleb Heathcote doe acquaint the house of Representatives that his Excell is desirous to know if they have considered what he did offer to them yesterday and to help their memory has sent them a copy in writeing As also a letter from the Sherriffe of Westchester County concerning the defection of the Towns of Rye and Bedford.

Adjourned till morrow morning.

At A Council held at his Maties ffort in Newyorke, the 14th *of Aprill*, 1697.

PRESENT — *His Excellency* BENJAMIN FLETCHER, &c.,

FFRED PHILIPS, STEPH. CORTLANDT, NICH. BAYARD, } Esqrs.

WILLIAM SMITH, WILLIAM PINHORNE, CALEB HEATHCOTE, } Esqrs.

His Excell having made a reference upon a Message brought to him from the house (wherein they assert their opinion that the bill passe without alteracōn further than that of mencōning interest for levy money) to Coll Cortlandt, Coll Bayard, Coll Smith, Judge Pinhorne and Coll Heathcote

In obedience thereunto they do report that the Bill ought not to have his Excelleneys assent without the alteracōn of the uses and applicacōn of the money and that a conference be desired upon the said message.

Ordered, the same Gentlemen be a Committe of Council to conferr with a Committe of the Representatives upon that resolution at the house of Coll Cortlandt at tenn a clock this morning and that Coll Bayard do go to the house to desire a Committe to be appointed for that Conference accordingly.

Adjourned till morrow morning.

At the Meeting of the Committes at the house of Coll Cortlandt tenn a clock the 14th of Aprill, 1697.

The Committe of the Council Coll William Smith President elected for this time did offer to the Committe of the Representatives their opinion in these words.

Gentlemen

Vpon a resolve sent from your house to his Excellency and Council in answer to his Excells speech to you on munday the 12th instant relating to the bill before us this Conference is desired You have thereby given 1500£ for this summur to be employed in defence of the fronteers and the sume rightly applyed we hope might answer that end but the use and applicacōn of it as expressed and directed by the sd bill is the matter We are now to reason with you; the first part thereof to wit the £708 given for the filling and supporting the Companyes at Albany we conceive will not extend to answer that end and the latter 792£ we suppose is more than necessary for the use of in your bill expressed We must observe to you that his Maties three Companyes on the fronteers have bin by his Excell interest and Our Princes great elemency and Royall care sent over heither with extraordinary charge and hazard to ease this Province from detachments which you may well remember was before they came the insupportable greivance of it and must for that reason deserve our outmost care to support and keep them full by giving them such encouragement as may hinder their desertion; the good effects of yor giving

them 4d aday for those twelve months past is very visible since, not one hath deserted since some part of that money has been paid them.

We are sure you are sensible that his Majesty pay from England only gives them victualle and cloaths once in 18 months the latter of which by reason of the warr and danger of the seas are very uncertainly sent Nor can any man that is listed but for six months promise himselfs any great benefite by them so that if you take from them what you have lately allowed them it will be extream difficult to levy the men designed by said bill nor can we reasonably expect but that they will desert as they did before that allowance was made them, which much better never had been than not now to continue it.

The next thing we must observe to you is that Wee are of opinion that between 2 and 300£ of the £792 might be sufficient encouragement for scouts to range the woods and discover and obstruct those small sculking partyes who some times come from Canida and do mischeife to our farmers nor do we think it reasonable that any certaine or constant pay should be given those that are imployed in that service and that they may have the same allowance for Scalps they had the last year that insisting on a certaine number of Indians for that service constantly to attend We beleive impossible and impracticable And to allow them better wages than his Majesties Companyes as it is highly unreasonable so it will infinitely discourage the men and will be of dangerous consequence as to the Indians themselves who will thereafter give us no kinde of assistance but what will be extravegantly paid for and the surplusage of this sum added to the other gives 100 men £3 each levy money and will neer give the companyes 4d a day for it seems very unreasonable to apply soe much money for out guards or scouts and to starve and neglect the maine body and strength of our forces who at all times cover and give security to all our fronteers and will appear as unreasonable as it is unjust to suppose his Majesties Captaine Generall should not be the best judge of our defence which is by his Majesty committed to his conduct and of whose unwearyed care and prudent conduct We of this Province have had so many and late signall demonstracōns; therefore Gentlemen lett reason take place and have its weight with you let no private or particular mans interest or inclination make you vary from the rules of prudence but as we are all concerned for the peace and preservacōn of this Province so pray let us omitt nothing that may contribute to soe good an end.

To this some members of the Committe of the house of Representatives made answer:

That as to the 708£ for levying 100 men and for encouragement of the Companyes they had in their house maturely considered it and were of opinion that said sume was sufficient for that service that they thought that having given them cloaths for this winter and the 4d ℔ diem being paid them the first of May with what will remain besides the levy money of that sume would be sufficient encouragement to the Companyes untill their next meeting.

That they were of opinion the 4d ℔ day ought not to be continued that the £792 for scouts was absolutely necessary to be employed for said service but that the choice of the men and the manner of rewarding their services was left to his Excellency the Captaine Generall if a constant pay was not thought necessary And that the reasons we had offered them should be duly considered.

At a Council held at his Majesties ffort in Newyorke the 15th *of Aprill*, 1697.

PRESENT — *His Excellency* BENJAMIN FLETCHER, &c.,

STEPHEN CORTLANDT, NICH. BAYARD, GAB. MONVIELLE, } Esqrs.

WILLIAM SMITH, WILLIAM PINHORNE, } Esqrs.

An Addresse from the house of Representatives concerning the Inhabitants of the Towns of Rye and Bedford was read and

Ordered, a Proclamacōn be drawn up requiring them to returne to their obedience with promise of pardon as the Assembly doe desire

His Excellency the Governour and Council do assent unto the Bill for the raising £1500 with this Amendment, that instead of that paragraph conteining the use of the 791£ 4s, be inserted

And the sume of £791. 4s to be employed for encourageing of thirty-six men to be scouts and for the ranging of the woods and discovering the mocōn of the Enemy and the remainder over and above what shall answer that service to be distributed amongst the said Companyes for their better encouragement from the first day of May next to the first day of November then next following and to answer the interest of tenn ℔ cent for the advanceing of the sume wanted to levy said recruites and to answer the uses as they grow And that the money be made payable at two payments the moiety or halfe part thereof at or before the first day of June next ensueing And the remainder at or before the 29th day of September next ensueing

Adjourned till morrow morning

At a Council held at his Matyes ffort in Newyorke the 16th *day of Aprill*, 1697.

PRESENT — *His Excellency* BENJAMIN FLETCHER, &c.,

FFRED. PHILIPS, STEPH. CORTLANDT, NICH. BAYARD, } Esqrs. GAB. MONVIELLE, WILL. PINHORNE, } Esqrs.

Ordered, the Bill to Enable the City and County of Albany be read a first second and third time

His Excell the Governour and Council do assent unto the Bill to Enable the City and County of Albany &c with these Amendments: that it be of force for one year and no longer that the Mayr and Justices do give an account of the money raised by the sd act to his Excellency the Governour and Council

Ordered, Lt Coll Gab Monvielle do cary down these two Bills with amendments for the consent of the house

Adjourned till morrow morning

At a Council held at his Maties ffort in Newyorke the 17th *day of Aprill*, 1697.

PRESENT — *His Excellency* BENJAMIN FLETCHER, &c.,

FFRED. PHILIPS, NICH. BAYARD, WILLIAM SMITH, } Esqrs. STEPH. CORTLANDT, WILLm PINHORNE, } Esqrs.

His Excellency did communicate an Addresse from the house delivered to him last evening and read wherein they reject any Amendment proposed by his Excell and Council and make some new proposition Together with an Answer thereunto which is drawn up in writeing in these words.

Gentlemen

In answer to Yor addresse read unto me last night I have told you before that the sume which you so generously gave in your Bill would answer the end which I did propose and the reasons why I could not passe it. If your Bill had been so framed as to answer my proposeall in the disposicōn of the money I did likewise undertake for the security of the fronteers with the hazard of my life His Sacred Majesty did soe cause to intrust me with the care of this Province and I think I have been long enough here to know what is propper for the defence of it. I do not call in question your good intentions to enable me to secure the fronteers if after all your debates and expense of time you see no cause to alter or change your thoughts as to the uses in that Bill I doe not see cause to passe it in the manner therein expressed.

And therefore I choose rather to accept of Yor present proposition although I perceive therein that allowing 4d a day to 300 men for one year there is no provision for levy money which must be had the first of May next nor any mention of the time of payment which I would have as soon as may be and rather at three payments than two that it may the better answer the service.

I shall endeavour to make it go as farr as it can and assure you it shall be applyed to no other use or intent than the service you propose. If the lessening of the 4d a day which you have formerly enabled me to give (which must necessarily follow when men cannot be had without levy money) have any ill effect to the discouragemt of the men I hope you will be my witnesses that I have endeavoured it and shall still endeavour it.

Gent I return you thanks for the sume you have proposed to give and pray that you may make dispatch for the time draws neere when the last recruites will be discharged.

The Council do approve of this answer and ordered William Pinhorne Esqr Do deliver this answer first reading the same to the house of Representatives.

A vote was brought from the house that they would not proceed untill the Bill was rejected.

Ordered, the Bill for raising 1500£ be rejected & that the Cl of the Council do Signify the same to the Representatives & cary it down to them.

Adjourned to the 20th of Aprill.

At A Council held at his Maties ffort in Newyorke, the 20th *of Aprill,* 1697.

PRESENT — *His Excellency* BENJAMIN FLETCHER, &c.,

STEPHEN CORTLANDT, NICH. BAYARD, } Esqrs. WILLIAM SMITH, WILLIAM PINHORNE, } Esqrs.

A Bill was brought in passed the house of Representatives for the raising £2300 Whereupon his Excell did immediatly call the Councill.

The Bill for raising £2300 ordered to be read a first 2d and 3d time.

His Excellency the Governour and Council do assent unto the Bill for raising £2300, being three times read.

His Excellency the Governour and Council do assent unto the Bill to Enable the City and County of Albany, being three times read with this amendment: that the Mayor & Aldermen do render an account to the Governr and Council what the amount is of that revenue and how it is disposed of.

Ordered, Lt Coll Monvielle do cary down the Bill & amendment and recommend to the house to consider the Act Establishing Courts of Judicature will shortly expire by its limitation And of the Agency.

Ordered, the Cl of the Council do acquaint the house that the 2300£ Bill is passed in Council.

Adjourned till morrow morning.

At A Council held at his Maties ffort in Newyorke, the 21th *of Aprill,* 1697.

PRESENT — *His Excellency* BENJAMIN FLETCHER, &c.,

STEPH. CORTLANDT, NICH. BAYARD, GAB. MONVIELLE, } Esqrs. WILLIAM PINHORNE, WILLm SMITH, } Esqrs.

A Bill passed the house for encouraging Collectors of the taxes was read a first 2d and 3d time and approved.

The Bill to Enable the City & County of Albany &c in regard of the civill cortesys his Excellency did receive there last winter is passed without amendment.

His Excellency the Governour and Council taking to consideracõn the votes of the house yesterday by which it appears they are proceeding upon the computacõn of a surplusage of former taxes appropriated to certaine uses Have ordered Coll Cortlandt & Coll Bayard do acquaint the house with the accounts and papers and the state of these taxes & arrearages and to acquaint them that His Excell & Council have passed the Bill for encouraging Collectors & Albany Bill.

Coll Cortlandt and Coll Bayard did report that they had shown the accounts and vouchers of the late taxes and the disposicõn of the levy money and have endeavoured the satisfaccõn of the Assembly Who except against the groat a day pd for two soldiers that were absent upon furlougs and another taken prisoner into Canida to the Captains the 4d a day to the officers servants according to the usuall allowance notwithstanding by the Act of Assembly the money is left to his Excells disposall for encouragement of the Companyes And claim a right of altering the use of the surplusage for what men are wanting of the recruits.

Adjourned till Afternoone.

Afternoone.

PRESENT — *His Excellency* BENJAMIN FLETCHER, &c.,

FFRED. PHILIPS, STEPH. CORTLANDT, NICH. BAYARD, } Esqrs. WILLIAM SMITH, WILLIAM PINHORNE, } Esqrs.

A Bill for continuing the Act Establishing Courts of Judicature was read a first 2d and 3d time.

His Excell the Governour and Council do assent unto the Bill for continuing the Act Establishing Courts of Judicature being three times read.

Ordered, the Clerke of the Council do acquaint the house that the Bill continuing the Act Establishing Courts of Judicature is passed in Council and desire to know if there is any thing to be offered this evening.

Who returned answer there is nothing.

William Merret Esqr brought into Council the answer of the house upon the peticōn of him & others which was read.

His Excell desired the opinion of the Council as to the adjournm^t and prorogation of Assembly.

His Excell the Governour & Council having under consideracōn the opinion of the house of Representatives concerning the debts of the late Sherriffs of Nassau & the peticōn of Mr Merret & others have formerly ordered the payment of what money is in the hands of the Receiver Generall since the reigne of his present Majestie to William Merret Esqr for the use of the sd creditors containd in the audite And do now order a warrant issue to the Attorney Generall directing him to prosecute at Law the said Sheriffs for what debt is due to them on that account and that he have all the papers relating thereunto delivered him for that purpose.

O dered, Mr Monsey Depty Receiver do give account how much money the sd Sheriffs that were indebted upon an audite anno 1684 have brought in and paid of sd debts and how much is paid out again and to whom.

Adjourned till morrow morning

At A Council held at his Majesties ffort in Newyorke, the 22th of Aprill, 1697.

PRESENT:— *His Excellency* BENJAMIN FLETCHER, &c.,

FFRED. PHILIPS, STEPH. CORTLANDT, WILLIAM SMITH, } Esqrs.

WILLIAM PINHORNE, JOHN LAWRENCE, } Esqrs.

His Excellency hath the concurrance of the Council to adjourn the Assembly to the 21th of September next.

Ordered, the Cl of the Council do waite upon the house to know if they have any further businesse to offer, who brought answer that they waited his Excellencys pleasure expecting to be dismissed.

Ordered, the Clerke of the Council desire Mr Speaker and the whole house to waite upon his Excell in Council Chamber forthwith in order to attend the publicacōn of the Laws if it might not interrupt them in businesse.

Mr Speaker and the Assembly being present His Excellency said:

Mr Speaker and you Gentlemen Representatives:

Finding that you were upon no businesse I sent for you to accompany me to the publicacōn of the Laws We have made in the instance as has been usuall.

There has been a great deal of time spent in needlesse debates the money which you first gave would have answered all that I did propose and what is done might have been finished in a day or two it is now neere a month I am glad you are come to a conclusion at last And that those Gentlemen Coll Cortlandt and Coll Bayard have given you satisfaccōn as to the accounts and vouchers it is no good signe of an honest man to beleive all others to be knaves and distrust every body. As I have heitherto so shall the money you have given be applyed to the uses for which you gave it and husbanded to the best advantage.

I would have adjourned the Assembly for a twelvemonth according to the opinion of some of yourselves but having in my thoughts the Agent or Agents You have appointed an agent and some care must be taken of him; he has a family here and some of you know the charge and expense there is in London; care must be taken to supply him with what is necessary I am well assured of both their endeavours and diligence for the service of this Province and if Mr Nicoll can see any prospect of effecting anything either by bringing our neighbours under the same duty with us as to the warr and trade or procuring some of those things which is sett forth in the second memoriall he will tary to solicite and bring it to passe in which case care must be taken to furnish him with money which I expect to know before next fall and therefore I adjourne to the 21th of September next; if otherwise care must be taken to furnish him with money to bring him home and if there is no occasion for yor meeting then I shall adjourn or prorogue from that time till the spring of the year. Mr Speaker I desire you to adjourne the house accordingly.

[New York Col. MSS. XLI., 124.]

By His Excellency

Collonel *Benjamin Fletcher* Captain General and Governour in Chief of his Majesties Province of *New York*, *&c.*

A PROCLAMATION

THESE are to Publish and Declare to all whom it may Concern, That by and with the Advice and Consent of his Majesties Council for this Province, I have prorogued the Assembly to the Twenty Fifth Day of March next ensuing. And the Assembly of this Province is hereby Prorogued accordingly.

Given at Fort William Henry *in Council the* 21*th day of October, in the* Nineth *Year of the Reign of our Soveraign Lord* William *the Third, by the Grace of God King of* England, Scotland, France and Ireland, *Defender of the Faith, &c.* Annoq; Domini 1697.

Ben. Fletcher.

God save the KING.

[New York Col. MSS., XLII., 1.]

By His Excellency

Richard Earl of Bellomont, Captain Generall and Governour in Chief of His Majesties Province of *New York*, *&c.*

A PROCLAMATION

WHEREAS I have thought it fit, for His Majesties Service, That the present Assembly of this Province of *New-York*, be Dissolved, and that a New One be forth-with Called, I do therefore Declare, That the present Assembly of this Province is Dissolved, and it is hereby Dissolved accordingly.

Given at New-York *the Second Day of* April, 1698, *and in the Tenth Year of the Reign of our Soveraign Lord,* William *the Third, by the Grace of God, of* England, Scotland, France *and* Ireland, *King, Defender of the Faith, &c.*

Bellomont.

God save the KING.

SIXTH ASSEMBLY FIRST SESSIONS

At A Council held at his Maties ffort in Newyorke the 18th *of May* 98.

PRESENT— *His Excellency* RICHD *Earl of* BELLOMONT.

FFRED. PHILIPS,	Esqrs.	WILL. SMITH,	Esqrs.
STEPH. CORTLANDT,		CHID. BROOKE,	
NICH. BAYARD,		WILL. PINHORNE,	
GAB. MONVIELLE,		JOHN LAURENCE,	

His Excellency did send the messenger to see if the Assembly were mett or the major part of them.

Adjourned till morrow morning.

May 19th. Adjourned till 3 a clock, afternoon.

At A Council held at Newyork May the 19th, 1698. Afternoone 3 a clock.

PRESENT— *His Excellency* RICHD *Earl of* BELLOMONT.

FFRED. PHILIPS,	Esqrs.	WILLIAM SMITH,	Esqrs.
STEPH. CORTLANDT,		CHID. BROOKE.	
NICH. BAYARD,		WILLIAM PINHORNE,	
GAB. MONVIELLE,		JOHN LAURENCE,	

The Assembly, Mr PHILIP FRENCH Speaker, being present, His Excell said—

Gentlemen,

My voyage heither from England was very tedious and attended with great hardships, but since my being among you I have endeavoured to redeem that losse of time by applying my selfe diligently to the publick business in duty to his Majesty and that I might be the better enabled to serve you.

I cannot but observe to you what a legacy my predecessour has left me and what difficultys to strugle with a divided people, an empty Treasury a few miserable naked halfe starv'd soldiers not halfe the number the King allowed pay for, the fortificacōns and even the Governours house very much out of repair and, in a word, Gentlemen, the whole government out of frame; to you therefore I recommend the consideracōn of these disorders as best becoming your prudence to apply the proper remedys and you may be sure of my hearty concurrence in every thing that will conduce to the extinguishing those heats and animositys among you which I fear have been of late years industriously cherisht and fomented and to the curing all the other disorders and mischeifs among you.

It has been represented to the government in England that this Province hath been a noted receptacle of Pyrates and the trade of it under no restriccōn but the Acts of Trade violated by the neglect and connivance of those whose duty it was to have prevented it. I hope, Gentlemen, you will put all the discountenance imaginable on that flagitious crime of pyracy which is not only the worst sort of robbery but is for the most part attended with the horrid sin of murder, which is a great aggravation of that odious practice detested by all the civil nations of the world 'Tis not only injurious to the honour of his Majesty and the English nation, but also highly prejudicial to the trade of England and particularly to the East India Company, and the Gentlemen of the Council here present will bear me witness that my orders from his Majesty are very strict for inquiring into and effectually preventing for the future that lawless and vile trade of Piracy within my government.

As I have declared myself against piracy and all unlawfull trade, so I must assure you I will give you all the encouragement I can possibly in carying on a Lawfull trade and every thing else that will make you happy & flourishing.

Mr Speaker and you Gentlemen Representatives.

I hope you will take into your consideracōn that the revenue is near expiring and that you will provide for the support of the government for the time to come, and therein give me leave to put you in mind that your duty and respect to his Majesty should be an argument to you

not to leave the Government destitute. It would be hard if I that come among you with an honest mind and a resolution to be just to your interest, should meet with greater difficultyes in the discharging of his Majesties service than those that have gone before me. I will take care there shall be no misapplicacōn of the publick money; I will pocket none of it my selfe nor shall there be any imbezilment by others but exact accounts shall be given you when and as often as you shall require.

I have ordered all the accounts to be laid before you that you may see the state of the debts of the government and take such course for the discharge of them as you shall think fit. I wish too you would consider how to restore credit to the government which I understand is now very low, if not wholly lost.

I have ordered the Engineer to go and visit the fronteers and to report to me the state and condicōn he finds the fortificacōns in; which report I intend for you assoon as it comes to my hands.

Gentlemen, I must remind you of the necessity there is of finding out some expedient to reconcile the partyes among you. I must own to you I set my heart so much on it that I shall think it the glory of my government to bring so good a work to pass. I desire therefore you will think of the proper methods to effect an intire reconciliacōn among you; to be of one faith and one mind is not only an excellent Scripture rule, but also a good maxim in government. Union amongst a people is the bond of peace and of streng h too.

You cannot but know what abuses have been formerly in elections of members to serve in the Assembly which tends much to the subversion of your libertys. I do therefore recommend to you the making a law to provide against it, and that you will think of such other law as you will stand in need of to secure to this Province a lasting happiness, to which I promise you my concurrence.

I shall conclude, Gentlemen, with recommending that which is cheifly incumbent upon us all; an unviolable duty and allegiance to his Majestie who by his valour has rescued us from the two greatest plagues that ever infested the world — popery and slavery; and by that and his wise and temperate government has secur'd us the free exercise of our holy protestant religion, the enjoyments of our libertyes and estates, and as a further instance and illustracōn of the glory of his reign, his Maty has with repeated hazards of his precious life, procur'd for us and all Christendom a glorious Peace; for which, Gentlemen, let us address his Majestie that he will be graciously pleased to accept of the tender of our most humble duty and thanks.

The Gentlemen of the Council did return their thanks to his Excellency for his favourable speech, and desire their consent to be entered thereunto.

Adjourned till morrow morning.

May 20th Adjourned till 3 a clock, afternoon.

At A Council held at his Maties ffort in Newyork, the 20th *of May*, 1698. Afternoon.

PRESENT — *His Excellency* RICHD *Earl of* BELLOMONT,

FFRED. PHILIPS,	Esqrs.	GAB. MONVIELLE,	Esqrs.
STEPH. CORTLANDT,		WILLIAM SMITH,	
NICH. BAYARD,		WILLIAM PINHORNE,	

The Speaker & whole house did waite upon his Excellency in Council, & the Speaker read as followeth:

My Lord,

I cannot but reflect with my selfe when I consider of the trust my Country has reposed in me and especially the circumstances of my years and my litle acquaintance with Assemblys; but my loyalty to my King and good affeccōn to my countrey will lead me only to seek the interest of all, and as yor Lop. has laid a foundacōn of our future happiness by recommending to us the burying of these heats which are grown to so great a height among us that the continuance of them must be the certain ruin of the Province and therefore I will on my part make it my study, in the house, to find out some expedient to bury them in oblivion, so that in the behalfe of all the good subjects of this Province I must become an humble suitor to yor Lop. that all endeavours may be used to suppress those that still continue industriously to foment them; and as our future tranquillity cheifly consists in our rendring intire obedience unto that good and wholsom advice yor Lop has given to us, so we find our selves obleiged with the greatest of thankfulness most dutifully to acknowledg it, and we find nothing else in the way to interrupt the loyall affeccōn we bear to his Majestie but these unhappy heats which, so soon as removed, will lead us with one heart & mind to support the dignity of his Majesties Government under yor Excells administracōn, which we pray God and his Majestie so great a happiness may continue long with us.

Then the Speaker did addresse his Excellency *in hæc verba*, ss.

I do my Lord in behalf of the house of Representatives demand their rights and priviledges.

Impris—that none of the Assembly nor their servants be arrested or molested during the sessions;

That they may have a freedom of accesse to yor Excell^s^ person when occacōn presents;

That they may have liberty of speech and a favourable construccōn upon all debates that arise among them;

And that this their demand may be approved by his Excell & Council and accordingly entered in the Council book.

By order of the house
PHI FFRENCH, Speaker.

His Excellency did thank them for their concurrence with what he had recommended and promised to protect them in all their just rights & priviledges, And ordered it to be entered accordingly.

Adjourned till the 23th of May, 1698.

At A Council held at his Maties ffort in Newyork, May the 23th, 1698.

PRESENT— *His Excellency* RICH^D^ *Earl of* BELLOMONT,

STEPH. CORTLANDT, NICH. BAYARD, WILL. SMITH, } Esqrs.

GAB. MONVIELLE, CHID. BROOKE, WILL^m^ PINHORNE, } Esqrs.

A message was read brought up from the house by Mr Beeckman &c desiring a Committe of the Council may be appointed to joyn a Committe of their house in the drawing up an Addresse to his Majestie.

Ordered, Coll Steph Cortlandt & Coll William Smith be a Committe of this board to joyn the Committe of Assembly for that purpose and that they take the Attorney Generall to their assistance.

Adjourned till morrow morning.

May 24th. Adjourned to the first of June, 1698.

At A Council held at Newyork, the first of June, 1698.

PRESENT— *His Excellency* RICH^D^ *Earl of* BELLOMONT,

FFRED PHILIPS, STEPH. CORTLANDT, NICH. BAYARD, GAB. MONVIELLE, } Esqrs.

WILL^m^ SMITH, CHID. BROOKE, JOHN LAURENCE, } Esqrs.

The Addresse to his Majestie enrolled on parchment was read in the presence of the Council and Assembly, and being approved, first his Excellency did sign, the Leiv^t^ Governour the Council and Assembly in hæc verba:

To the KING'S *Most Excellent* MAJESTY.

The humble Address of RICHARD Earl of BELLOMONT, your Majesties Governour, the Leiv^t^ Governour, Council & Representatives of yor people in yor Majesties Province of Newyork, convened in Generall Assembly.

May it please Your MAJESTIE.

We your Majesties most dutifull and loyall subjects convened in Generall Assembly, do esteem it our cheifest duty to lay at your royall feet our humble thanks and hearty congratulations for yor Majesties safe returne unto Yo^r kingdom of England after that Yo^r Majestie had exposed Yo^r Royall person to many great hazards for the subdueing the enemy of Christendom, which by your auspicious conduct and the glorious success of yor arms, hath been effected to such a degree as to produce the most honourable & most advantagious peace that ever happen'd to the Christian nations in Europe.

And tho' we Yo^r Majesties most dutifull and loyall subjects are in one of the least Dominions Yo^r Majestie possesseth in Yo^r Empire in America, Yet we have more than a common share in the great satisfaccōn which all Yo^r Majesties Subjects expresse upon this joyfull occasion, we cannot but esteem our selves peculiarly happy in having so victorious a Prince as Yo^r Majestie who by yor unparaleld valour have brought so great renown unto the English nation, even to an height exceeding the glory of any of yor Majesties Predecessours.

We must also with the greatest of thankfulness acknowledg yor Majestie to be the glorious and only instrument in delivering yor kingdoms from popery and arbitrary power to which they were so much expos'd in the late reign, and We are sensible that the security and safety of those kingdoms and yor Majesties Dominions depending thereon do cheifly consist in the long life and happy reign of Yo^r Majestie over us. We therefore most humbly beg yor Majesties gracious acceptance of these our congratulations & acknowledgm^ts which are offered to Yo^r Majestie with the purest of dutifull affeccōn which calls us to give Yo^r Majestie assurance that under God We do acknowledg all these blessings we enjoy to be wholly owing to Your most Sacred Majestie; so that we shall only improve them to the increase of our duty and affection to Yo^r Majestie and incessantly make our prayers and supplicacōns to the King of Kings for Yo^r Majesties long life and prosperous and glorious reign over us.

was signed by the Governour, Lt Governour, Council & Assembly, the Attorney Generall and Clerk of the Council.

A Message from the house was read desiring the accounts of the addicōnall duty and taxes be laid before them.

Ordered, Coll. Cortlandt do prepare the accounts of the addiconall duty and the Receiver Generall the accounts of the taxes to be laid before them forthwith.

Adjourned to the fourth of June.

4th June, 1698. Adjourned to the 7th June

7th June, 1698. Adjourned till morrow morning.

At a Council held at his Maties ffort in Newyorke the 8th of June, 1698.

PRESENT — *His Excellency* RICH^D *Earl of* BELLOMONT,

FFRED. PHILIPS, NICH. BAYARD, WILL^m SMITH, } Esqrs. GAB. MONVIELLE, JOHN LAURENCE, } Esqrs.

His Excellency did communicate a message from the house praying a Committe be appointed to joyn a Committe of Assembly for the drawing of a Bill for reconciling of partyes.

Ordered, Coll Smith, Coll Bayard and Lt Coll Monvielle be a Committe to joyn the Committe of Assembly in the drawing sd Bill, accordingly the Attor. Gen^ll is ordered to be assistant in it

Coll Smith proposed the recommending to the Assembly the following matters to their consideracōn vizt.

That the Act of establishing Courts of Judicature will expire by its own limitation in October next.

That the inferiour Courts of common pleas in the Countys as established are inconvenient by reason three Justices are appointed with one Judge in each county, three of which are a quorum & two of the four being sick or absent, the court cannot proceed, by which means justice has been often delayed.

And that drunkenness and debauchery cannot be suppressed by authority as it ought, for want of an explanation of the clause in the Act of the revenue relating excise & suppressing unlycensed tipling houses, all which is agreed to.

Ordered, Coll Smith do deliver these minutes, explain the clause recommended to the Assembly and appoint the time and place of the meeting of the Committes.

Adjourned till morrow morning.

At A Council held at his Maties ffort in Newyorke the 9th *June*, 1698.

PRESENT — *His Excellency* RICHD *Earl of* BELLOMONT,

FFRED PHILIPS, STEPH. CORTLANDT, NICH. BAYARD, } Esqrs

GAB. MONVIELLE, WILLm SMITH, JOHN LAURENCE, } Esqrs

The peticōn of six members of Assembly remonstrators who have left the house and their remonstrance read.

Ordered, a copy of their peticōn be got ready for the house, the consideracōn of an answer is put of till morrow morning.

Adjourned till morrow morning.

At a Council held at his Maties ffort in Newyorke the 10th *of June*, 1698.

PRESENT — *His Excellency* RICHD *Earl of* BELLEMONT,

FFRED. PHILLIPS, STEPH. CORTLANDT, NICH. BAYARD, } Esqrs.

GAB. MONVIELLE, WILLIAM SMITH, } Esqrs.

His Excell did order the Clerk of the Council to call Mr Speaker & the whole house.

Mr Speaker and the whole house being present his Excell did acquaint them of the peticōn of the 6 Remonstrators and ordered it to be read. Which done his Excell did advise them to moderacōn and told them the opinion of himselfe and the whole Council that he cannot medle in that matter, the house alone being the sole judges of any difference arising amongst themselves, and advised them to accommodate matters speedily, that they may go on unanimously in the service of the King & the publick.

Adjourned till the 14th.

At A Council held at his Maties ffort in Newyorke June the 14th, 1698.

PRESENT — *His Excellency* RICHD *Earl of* BELLOMONT.

FFRED. PHILIPS, NICH. BAYARD, WILLm SMITH, } Esqrs.

GAB. MONVIELLE, THOMAS WILLETT, } Esqrs.

His Excellency did acquaint the Council that the heats and animositys in the Assembly were so great they did altogether obstruct the Kings service; that this matter is unpresidentall and no means can be found out effectuall to reconcile the difference and his Majesty having intrusted him with the prerogative of adjourning, proroguing & dissolving of Assemblys, he must now make use of that authority & did declare his purpose to dissolve the Assembly.

Ordered, to be read a protestation of the six remonstrators on behalfe of the Countys they represent against all laws that may be made by this Assembly.

The Cl of the Council was ordered to call Mr Speaker & the whole house being all present, His Excell said:

Gentlemen of the Assembly,

You have now sat a whole month without any interruption by me, and have done nothing either for the service of his Majestie or the good of yor Countrey, except the Addresse to his Matie for which I thank you. I am sorry yor carriage since hath been so contrary thereto that it is absolutely necessary for the Kings service and the safety and peace of the government that you should be dissolved. Your proceedings have bin so unwarrantable, wholy tending to strife & division, and indeed disloyal to his Majestie and his laws and destructive to the rights and libertys of the people, that I do think fit to DISSOLVE this present Assembly, and it is DISSOLVED accordingly.

[In Executive Session.]

19th *January*, 169$\frac{8}{9}$.

The Councell unanimously agreed that it was absolutely proper and reasonable that an Assembly should be called to meet on Thursday, the second of next March. And the Secretary was sent for before his Excellency and Councell, and ordered to issue writts imediately for calling an Assembly to meet and sitt on the said second day of March.

PROVINCE OF NEW YORK.

SECOND ASSEMBLY FIRST SESSIONS.

Minutes of Councell passed during the Sessions of the Assembly.

At A Councell held at ffort William Henry the second day of March, 1698.

PRESENT — *His Excellency* RICHARD *Earl of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor.

STEPHEN CORTLANDT, ABRAHAM DEPEYSTER, } Esqrs. SAMUELL STAATS, ROBERT WALTERS, } Esqrs.

The rest out of towne.

Gabriell Ludlow Mr Gabriell Ludlow took the oaths appointed by Act of parliament to be taken instead of the oaths of Allegiance and Supremacy, with the oath of Clerk of the Assembly of this province, and subscribed the Test and Association.

His Excellency ordered Mr Ludlow to acquaint the Gentlemen of the Assembly that his Lordship desired their attendance Imediately and in the mean time acquainted the Council that in Consideration that there were but few of the members in Town it was his opinion they should be adjourned till this Day seavennight which the Councell approved of; and the said Assembly being present his Excellency adjourned them till Thursday the ninth Instant and they are hereby adjourned accordingly.

At a Councell held at ffort William Henry, the ninth day of March, 1698.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, WILLIAM SMITH, ABRAHAM DEPEYSTER, } Esqrs. SAMUELL STAATS, ROBERT WALTERS, } Esqrs.

His Excellency was pleased to Adjourne the Assembly till munday the thirteenth Instant and they are hereby adjourned accordingly.

At A Councell held at ffort Wm Henry, the Thirteenth day of March, 1698.

PRESENT— *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, WILLIAM SMITH, ABRAHAM DEPEYSTER, } Esqrs. ROBERT WALTERS, SAMll STAATS, sick, } Esqrs.

The rest out of Towne.

His Excellency Adjourned the Assembly till to morrow morning Ten of the Clock many of the Representatives not being yet come to Town, and they are hereby adjourned accordingly.

At A Councell held at ffort William Henry, the ffourteenth March, 1698.

PRESENT— *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, WILLIAM SMITH, } Esqrs. ABRAHAM DEPEYSTER, ROBERT WALTERS, } Esqrs.

His Excellency Adjourned the Assembly till to morrow morning ten of the clock, many of the Representatives not being yet come to Town, and they are hereby adjourned accordingly.

At a Councell held at ffort Wm Henry, the 15th *of March,* 1698.

PRESENT— *His Excellency* RICHARD *Earle of* BELLEMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor.

STEPHEN CORTLANDT, WILLIAM SMITH, ABRAHAM DEPEYSTER, } Esqrs. SAMUELL STAATS, ROBERT WALTERS, } Esqrs.

His Excellency adjourned the Assembly till to morrow morning ten of the Clock, many of the Representatives not being as yet come to Town, and they are hereby adjourned accordingly.

At a Councell held at ffort Wm Henry, the 16th *March,* 1698.

PRESENT— *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANT, WILLIAM SMITH, ABRAHAM DEPEYSTER, } Esqrs. SAMUEL STAATS, ROBERT WALTERS, } Esqrs.

His Excellency adjourned the Assembly till munday morning ten of the Clock, the Representatives not being all come to Town yet, and they are hereby adjourned accordingly.

At a Councell held at ffort Wm Henry this 20th *March,* 1698.

PRESENT— *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,

STEPHEN CORTLANDT, WILLIAM SMITH, } Esqrs. ABRAHAM DEPEYSTER, ROBERT WALTERS, } Esqrs.

His Excellency adjourned the Assembly till to morrow morning ten of the Clock, and they are hereby adjourned accordingly.

At a Councell held at ffort Wm Henry this 21th *March,* 1698.

PRESENT— *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,

STEPHEN CORTLANDT, WILLIAM SMITH, } Esqrs. ABRAHAM DEPEYSTER, ROBERT WALTERS, } Esqrs.
SAMUELL STAATS, Esqr., sick. The rest out of Town.

Coll° William Smith and Coll° Abraham Depeyster did return to this board that they had Administered the oathes, Test and Association to the Representatives of this province, there being nineteen in number then present.

His Excellency ordered the Clerk of the Councill to waite on the Representatives Convened in Generall Assembly, and acquaint them that his Lordship was now in Councell and desired

that they would proceed to the Election of a Speaker and that when they had so done they would attend his Excellency and Councell at the ffort, and present their Speaker.

The Assembly presented James Graham Esqr their Speaker, to his Excellency and desired his Excellencies approbation.

The Speaker made a modest Apology.

His Lordshipp Confirmed their choice.

Then the Speaker desired his Excellencies confirmation of their ancient Rights and priviledges first mentioning them *ore tenus* and then laying them in writing before this board, desiring that to avoyd mistakes they might be entred in the Councell book; which was ordered to be entered accordingly and follow *in hæc verba:*

House of Representatives, Die Martis Ante Meridiem 21° Martij.

Ordered, Mr Speaker upon his being approved by his Excellency in Councell, That he demand in the behalfe of this house: that they may have their former Rights and priviledges confirmed unto them.

Imprimis, that none of their members nor their servants may be arrested or molested dureing the Session;

That they may have freedom of Accesse to your Excellencies person when occasion offers;

That they may have liberty of speech and a favourable construction upon all the debates that may arise amongst them;

That in all misunderstandings that may happen to arise between the Councell and this house upon any subject matter which shall be concluded by them, that then in such case a Comittee of the Councell may be appointed to confer with a Comittee of this house for the adjusting and Reconciling all such Differrences and that these their Requests may be approved by his Excellency and Councell and entred in the Councell book accordingly.

By order of the house of Representatives.

Ja: Graham, Speaker.

His Excellency promised that he would protect them in all their just Rights and priviledges and ordered it to be entred accordingly. Then his Excellency sayd:

My Lords Speech. *Gentlemen.*

There had been no occasion for calling you at this time, if the last Assembly had answered the good ends I proposed to my selfe for the Kings service and that of the province. But having satt a whole mouth and done no businesse, I thought it adviseable to dissolve them; and the rather, because there were great heats and divisions among them, which I found Impracticable for me to compose and put an end to.

You need not be told to what a degree, ffaction and sedition have taken root in this Town; 'tis a thing so generally known. And there has been the utmost Industry used by some ill men to spread the Infection all over the province, and to alienate the affections of the people by false suggestions and notions of their Independance from the Crown of England, and that 'tis a violence and wrong done 'em that England should put a Limitation on their trade. How Extravagant and wild is this notion. Does not England putt a Restriction on its own trade in some cases? And as for pyracy, which some people are soe fond of here, 'tis held in such Abomination as not to be known or practis'd there. People must not be soe deceived; this province is subject to the Crown of England, and it is its greatest glory and happiness that it is so. ffor by that meanes the people are entituled to the protection of the Crown, and are under the best Constitution of Laws, and that in fellowship with the best and bravest people in the world, the people of England; and they must be obedient to English laws, 'tis their duty and Interest so to be And the angry men of New-York must not Expect from me that Connivance at their ill practices that they were accustomed to some years before my coming to the Government: The oath of a Governor, the Laws of England and the Kings Instructions, which are made to square with the Laws are sacred tyes and obligations with me.

I have observed great marks of Irreligion and Immorality in this place, and I take it to proceed from a long habit of breaking the Laws, which has Introduced Licentious and Dissolute Living. And nothing can rectify and Reform our Lives and manners but Religion. Religion is of that admirable frame and temper, it inflames us with a true devotion to our great Maker, which is our most reasonable service. Then it fits us for all the ends of Civill Society, by uniting our minds, affections and interests, it makes us good men: And good men will of Course be good friends, good neighbours, good subjects, and good patriots, that is, Lovers of their Countrey and obedient to its Laws.

Now that I have stated to you the unhappy circumstances that we are in by the contrivance of ill men, I shall proceed to Recōmend to your thoughts a few things which are necessary for the support and peace of the Goverment, and will be a manifestation of your Duty and Affection to the King.

I therefore propose to you, Gentlemen of the house of Representatives, the continuance of the present Revenue (which will otherwise shortly expire) for what number of years you shall think fitt. I found the Goverment very considerably Indebted when I came to it, and it cannot be Expected that Debt should be much lessened in soe short a time as I have been here. I could wish you would put the Goverment on a clear foot by finding a way to discharge that debt.

The publick Accounts I have ordered to be prepared for you, with an estimate of the debts of the Goverment. I promise you I will be as good a husband of your money as 'tis possible for me to be: and when 'tis either mis-apply'd or mis-manag'd by my means, I shall not take it amiss if you put me in mind of my want of Care therein. To Induce you to the Continuance of the Revenue to the Crown, I cannot sett before your eyes a better example than that of the great and glorious people of England, who out of the sence of the Inestimable advantages they were Restored to by the King, freely and without the least murmuring, supported him in a long and expensive war, well knowing he bravely fought for the Liberties of all the Christian world, and that they had as great a share as any others in that Quarrell; wherein also his Majesty often ventured his Royall person with the meanest Souldier in his Armies. Beside, the King Considering this province as a Barrier between the ffrench of Canada, and his other plantations and therefore most Exposed, was pleased to take a peculiar care of you, having been at great Expense this last warr, in paying for four hundred men and maintaining a man of war for your Defence and Constantly supplying you with stores of warr. These are such obligations as I hope you will not only remember in the manner I have now Recomended, but also with your earnest prayers to God for his Majesties long life and prosperous Reign over you.

The next thing I Recomend to you, is the Reconciling of people and parties, which will be a glorious work, and will, I doubt not, be easily accomplish'd by your prudent care. You all know the mischiefs, both publick and private, that ffeuds and divisions bring on a people or nation. They cause an Interruption in Trade by discord they make in private ffamilies and ffreindships; and next to a Civill war, 'tis the most unhappy State and Condition a Countrey can be in. I will heartily joyn with you in such methods as shall be thought adviseable for the procurement of a thorow Reconciliation of parties. And that you may Induce others to be peaceably and Charitably minded, I carnestly Recomend to you, Gentlemen Representatives, that you manage your debates and proceedings in your house with that Calmness and Moderation that becomes the prudence of men that are under such a Trust from their Countrey. The present Conjuncture requires it at your hands: The King will thank you, the world will applaud you for it; and God will bless and prosper you and your affaires.

I must acquaint you with the Circumstances of our ffive Nations of Indians, with whom I had a Conference this last Sūmer at Albany, and then fix't their ffreindship and ffidelity to the Crown by extraordinary presents and kind usage; and they parted with me in all the good humour Imaginable. But I am lately advised they are grown very uneasy and disatisfied at the ffrench Governor of Canada's detaining some of their friends prisoners, notwithstanding the late Treaty of peace, which is a very unfaire practice in that Governor. You shall have all the memorialls and proceedings with our Indians layd before you, that you may advise me what measures to take for preserving them firm to the Interest of the Crown and this province, which is a thing of very great Consequence, and deserves as much as any thing whatsoever to be the subject of your thoughts and Determination.

I am ordered by the Kings Instructions to prepare and offer you two or three Bills for your passing, which will be for the service of the province. And such other Bills as you shall judge proper to offer me for securing your Liberties, and advancing your Trade, I promise you my Assent to their passing into Laws, provided they be not Repugnant to the Laws and Interest of England.

The Representatives withdrew out of the Councell Chamber.

Coll° William Smith at the Request of the rest of the members of the Councell did Addresse himself to his Excellency in the words following:

My Lord,

I am desired by and do in behalf of the members of his Majesties Councell here present, acquaint your Excellency that with much satisfaction we have duly observed what your Excellency in the speech you have now made have been pleased to Recōmend to the Representatives of this province, wherein your Excellency hath fully and cleerly with great prudence pressed what will best deserve their present Consideration and what we humbly conceive tends highly to the honour and Interest of his most sacred Majestie, and the great good and prosperity of this province, and as we do heartily Concurr with your Excellency therein, soe we do assure your Excellency of our chearfull readynesse soe to assist your Excellency that your good intentions may have their full effect, and doe humbly thank your Excellency for the great care and Affection your Excellency hath manifested to this province, and pray that what we have now sayd may be entred in the Councell Book.

His Lordship thank'd them for their Concurrence with what he had Recomended to the Assembly.

Adjourned till to morrow morning.

At A Counsell held at ffort William Henry this Two and Twentieth day of March, 1698.

PRESENT — *His Excelleney* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, WILLIAM SMITH, ABRAHAM DEPEYSTER, } Esq^rs
SAMUELL STAATS, ROBERT WALTERS, } Esq^rs

The Petition of Richard ffloyd — Read and Referred to be Considered of till to morrow morning.

Adjourned till to morrow morning.

At A Councell held at ffort William Henry this Three and Twentieth day of March, 1698.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,

STEPHEN CORTLANDT, WILLIAM SMITH, ABRAHAM DEPEYSTER, } Esq^rs
SAMUELL STAATS, ROBERT WALTERS, } Esq^rs

Upon Reading the Return made by the Justices who were directed by a precept from this house to seize a drift whale which came on shore at the Mannor of St Georges in the County of Suffolk on the Island Nassau and to put the same into the possession of the person there Impowered by his Excellency on his Majesties behalfe to have the Charge, care and Custody of all Drifts in that County to the Intent his Majesty and his Subjects may have legall right and Justice done them.

This house are unanimously of opinion that his Majesties right to all Drift Whales is unquestionable, where the Subject can make no just claim of having killed them, that for any private person to cutt up and carry away any Drift Whales soe come on shore not having himself killed the same, is a high Contempt of his Majesties authority and Derogatory of his Majesties Right. That it plainly appeares to this house that Richard ffloyd junior who hath been Complained of for cutting up and carrying away such a drift Whale, well knew who was Impowered by his Excellency the Governor to secure such drifts, and that it is notoriously known to all persons who goe on whaling on the beach where said whale came on shore, the person so Impowered had promised a sufficient Reward to any person who should give him or those Imployed by him notice of any such Drifts coming on shore; all which notwithstanding, it is apparent to this house that the said ffloyd in Contempt of his Majesties Royall Right and authority, in a private and Clandestine manner, Imployed severall persons to cutt up and Remove the said Whale before ever he had any order, power or direction even from the prtended owners, as is untruly alleadged in his petition to this house. That from the Acknowledgment of the said ffloyd and others sufficient Information this house are very sensible that by such and the like practices his Majesty hath been totally defrauded of severall Drift Whales cast on shore on this very beach without any wound, and to which no person could ever make claim, by the secret practices of ill Disposed persons who have (as now) cutt up and removed sayd Drifts, Concealing the same from those Imployed on his Majesties behalfe to secure the same for his Majesties use, pretending they have killed the same, which is hard, if not Impossible, to prove, when the Whale is cutt in pieces and Removed.

For Remedy of which and the like undue practices for the future, this house are of opinion it is for his Majesties honour and Interest; that the matter of this Whale cutt up by ffloyd be further Inquired into, and that the Cheif Justice be required upon his Coming home where said whale stranded to Examine upon oath all such Witnesses as may be usefull in Discovering the truth; how this matter hath been managed, and that he be directed and Impowered to Require any Sheriffe his Deputy or other civill officer or person by præcept under his hand and seale to sūmons all such persons to appeare before him and give testimony thereof who he shall have notice can give Testimony in that matter. And that all such persons who shall Refuse to appear, or appearing to Discover the truth upon their oaths, be sūmoned forthwith to appear before this house, and that a Return be made of his doings herein within ten days of the date hereof. ffor which service and in Regard of his long absence from his ffamily in this City, attending his Majesties Service, at his Request, this house have thought fitt to Lycense the said Coll° Smith to retire to his Mannor of St Georges for one week, and upon due Consideration of what hath been offered concerning the said Richard ffloyd, this house are of opinion, and it is hereby ordered that he be Comitted into the Custody of the Sergeant at Arms, and that the said ffloyds petition, and the whole of what hath passed in this house on that head be Referred and Recomended to the Attorney Generall to the end the said ffloyd may on his Majesties behalfe be further prosecuted as the Law will allow.

At a Councell held at ffort William Henry, this Thirtieth day of March, 1698.

PRESENT— *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, ABRAHAM DEPEYSTER, ROBERT LIVINGSTON, } Esq^rs
SAMUELL STAATS, ROBERT WALTERS, } Esq^rs

Coll° Stephen Cortlandt one of the Comissioners for Collecting and Receiving the Revenue of this province produced to this board a List of the debts of the Government.

Ordered, that the Said Coll° Stephen Cortlandt do carry the same to the house of Representatives.

Adjourned till to morrow morning.

At a Councell held at ffort William Henry, this one and Thirtieth day of March, 1698.

PRESENT— *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, ABRAHAM DEPEYSTER, ROBERT LIVINGSTON, } Esq^rs
SAMUELL STAATS, ROBERT WALTERS, } Esq^rs

A Message from the house of Representatives by Abraham Gouverneur and John Jackson Esqrs acquainting his Excellency that the house desired to attend his Lordship with an Addresse.

His Lordship answered, that he was ready to Receive them.

The house of Representatives being present the Speaker read the following Addresse to his Excellency :

House of Representatives.

The humble Addresse of the Representatives Convened in Generall Assembly.

May it please Yo^r Excellency.

The Representatives Convened in Generall Assembly are so sensible of the great Service done to his Majesty and this province, in the negotiation your Excellency had with the five Nations of Indians, when your Lordship was at Albany, That they cannot but with the greatest fervency of Affection Expresse their acknowledgments thereof, having observed by your Excellencies great prudence and conduct in that matter you had sweetened their humour which had been much sowered by the great disappointm^ts they had formerly mett with which Inraged them to such a degree that if your Excellencies care had not Intervened they would have deserted their friendship to this province, and gone over to the ffrench which would have made the peace more greivious to all the Inhabitants than the late warr.

Therefore we most humbly Assure your Lordship in the deep sence of the great advantages which all the Inhabitants of this province have obteined by your Lordships prudent management of that negotiation that we will with the utmost of our power and abilities assist your Excellency in the Administration of your Lordships Government, and pray for your Lordships prosperity and long rule over us, for the honour of his Majestie and the welfare of the Inhabitants of this province.

℣ order of the house of Representatives
JA: GRAHAM, Speaker.

Then his Excellency said to the Assembly,

Gentlemen

I thank you for the Complement you make me on the score of my managment of the ffive Nations of Indians. Whatever service I have done in that matter, it was my duty to do it and I promise you while I am among you the same duty will lead me to do the King and this province the best service I possibly can.

Adjourned till Munday morning, nine of the clock.

At a Councell held at ffort William Henry, this third day of Aprill, 1699.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, WILLIAM SMITH, ABRA: DEPEYSTER, } Esq^rs
ROBERT LIVINGSTON, SAM^ll STAATS, ROB^t WALTERS, } Esq^rs

The petition of Richard ffloyd read, and Coll^o Smith having Reported to this board his proceedings in the matter of the said Whale the Said Coll^o Smith is directed to putt his said Report in writing and that the said Report and what Evidences the said Coll^o Smith hath taken in that matter be Delivered to the Attorney-Generall in order to his prosecution of the said ffloyd, and that it be referr'd to the said Attorney-generall to take such baile for the said ffloyds appearance as he shall think fitt.

Ordered, that the Sergeant at Arms do bring the said Richard ffloyd to this house to morrow morning eight of the Clock and that he sūmons Capt: Samuell Mulford to appeare at the same time.

Adjourned till to morrow morning.

At a Councell held at ffort William Henry, the fourth day of Aprill, 1699.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, WILLIAM SMITH, ABRA: DEPEYSTER, } Esq^rs
ROB^t LIVINGSTON, SAM^ll STAATS, ROBERT WALTERS, } Esq^rs

Ordered, that Richard ffloyd now in the Custody of the Sergeant at arms be discharged paying his fees.

Ordered, that if Captain Samuell Mulford do make appear to Coll^o Wm Smith that the whale lately come on shoar on the Mannor of Saint Georges, was killed by persons Imployed by him that then the said Coll^o Smith do deliver the Oyle and Bone putt into his possession by virtue of a former order of this house to the said Captain Mulford.

Adjourned till to morrow morning.

At a Councell held at ffort William Henry, this fifth day of Aprill, 1699.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

The rest as yesterday.

His Excellency producing a paper brought down by Jan Baptist van Epe from Onnondaga relating to the flive Nations of Indians,

Ordered, that the same be transmitted to the Assembly and Samuell Staats and Robert Walters Esqrs are hereby desired to carry the same and to desire that the house of Representatives will Imediately take the said matter into theire Consideration, there being an absolute necessity for their soe doing; as likewise the whole Bussinesse of the Indians which was Recomended by his Excellency in his speech to the said house.

Adjourned till to morrow morning.

At a Councell held at ffort William Henry, this Sixth day of Aprill, 1699.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,

STEPHEN CORTLANDT, WILLIAM SMITH, ABRA : DEPEYSTER, } Esq^rs

ROBERT LIVINGSTON, SAMUELL STAATS, ROBERT WALTERS, } Esq^rs

A Message from the Assembly to this house by Abraham Gouverneur and Leonard Lewis Esq^rs desiring a Comittee of the Councell to Conferr with a Comittee of the Assembly about the message sent yesterday concerning the Indian Affaires to the Assembly from this house.

Ordered, that Coll° Stephen Cortland, Coll° William Smith, Robert Livingston, Samuell Staats and Robert Walters Esq^rs doe meet the Comittee of the Assembly at the house of Coll° Cortlandt at four of the Clock afternoone. And that the Gentlemen of the Assembly appointed to be of the said Comittee are desired to bring with them all the papers sent by his Excellency to the said house together with all other papers in their Custody relating to the said matter.

Adjourned till to morrow morning.

At a Meeting of the Comittees of Councell and Assembly at the house of Coll° Stephen Cortlandt in New York the sixth day of Aprill, 1699.

Of the Councell, STEPHEN CORTLANDT, WILLIAM SMITH, ROBT. LIVINGSTON, SAM^ll STAATS, ROBERT WALTERS,

Of the Assembly, HENDRICK HANSEN, JOHANNES BLEEKER, JOH^rs DEPEYSTER, LEONARD LEWIS, K^ln RANSLAER, RYER SCHERMERHOORN, ABRA : GOUVERNEUR, MATHEW HOWELL.

Resolved, that messengers be sent to the Meeting of the Indians at Onnondage with Instructions.

The Assembly Recomend Johannes Bleeker and Captain John Schuyler for the said service, And that Arnout Cornelisse Viele and Jan Baptist van Epe goe with them as Interpreters, or such other persons as his Excellency shall think fitt with necessary Instructions.

Resolved, that Robert Livingston and Samuell Staats Esq^rs members of the Councell, Abraham Gouvernour, Johannes Bleeker, Ryer Schermerhoorn, William Ranslaer and Hendrick Hansen of the Assembly doe draw up Instructions this Evening for the said persons to carry with them, and that the said Comittees doe meet again to morrow morning Eight of the Clock to Consider of what shall be drawn up by the s^d persons.

The seaventh day of Aprill, 1699.

PRESENTIBUS — *Eisdem.*

The Instructions for Johannes Bleeker and Captain John Schuyler being drawn up by the persons appointed thereunto by the Comittees, were Read and approved of.

At a Councell held at ffort William Henry this seaventh day of Aprill, 1699.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, WILLIAM SMITH, ABRA : DEPEYSTER, } Esq^rs

ROBERT LIVINGSTON, SAMUELL STAATS, ROBERT WALTERS, } Esq^rs

Johannes Carfbyle, Henry Pearson, Jacob Rutsen and Daniell Whithead Esq^rs from the Assembly delivered to his Excellency in Councell A Bill for Indempnifying all such persons as were Excepted out of the Generall Pardon made by Act of Generall Assembly of this province in the yeare of our Lord 1691.

Ordered, the said Bill be read the first time. Which was done, and ordered a second Reading to morrow morning.

Adjourned till to morrow morning

At a Councell held at ffort William Henry this Eighth day of Aprill, 1699.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Capt JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, WILLIAM SMITH, ABRA : DEPEYSTER, } Esq^rs

SAMUELL STAATS, ROBERT WALTERS, } Esq^rs

The Bill for Indempnifying &c^a Read the second time.

His Excellency Acquaints the Councell that having read over the Bill for Indemnifying all such persons as were Excepted out of the Generall pardon made by Act of Generall Assembly in this province in the year of our Lord 1691, which was sent up to himselfe and the Councell yesterday by messengers from the house of Representatives, he is of opinion the Bill is well enough drawn to answer the end and design thereof; only there are some few Literall Mistakes which he has marked in a paper which he now delivers at this board, and desired if the Gentlemen of the Councell have any Amendments to offer they will doe it, otherwise that they will peruse the Amendments conteined in the paper aforesaid, and if they approve thereof, that they will joyne with him in Returning the Bill and Amendments to the house of Representatives by Messengers from this board. This board doe agree to the said Amendments and order that the said Bill together with the Amendments be sent down to the Assembly to desire their Concurrence with the same. And this board does desire Samuell Staats and Robert Walters Esq^rs to Carry the said Bill and Amendments to the house of Representatives. Which Amendments follow vizt.

In folio 3 Line 5th leave out the word [never] and put in [ever]. In folio 4 Line 8th Leave out the word [other]. In folio 4 Line 9th Leave out the word [persons], and Recite all the names before Recited, Except Jacob Leisler, Jacob Milburne and Abraham Gouverneur whose Attainders are Reversed by the before-mentioned Act of parliament in England. In folio 4 Line 10th between the words [the] and [Revolution] add the words, [late happy].

Adjourned till Tuesday morning nine of the Clock.

At a Councell held at ffort William Henry the Eleaventh day of Aprill, 1699.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, WILLIAM SMITH, ABRA. DEPEYSTER, } Esq^rs

ROBERT LIVINGSTON, SAMUELL STAATS, } Esq^rs

The Instructions to Captain Johannes Bleeker and Capt John Schuyler drawn up by the Comittees of Councell and Assembly appointed thereunto Read and approved of.

Henry Pearson, Cornelius Sebran, ... Hasbrook and Ryer Schermerhoorn Esq^rs delivered to his Excellency in Councell A Bill for Establishing Courts of Judicature in each Respective City and County within this province. Which was Read the first time.

His Excellency produced to this Board in writing three clauses which he had taken out of his Instructions from his Majesty, as followeth :

INSTRUCTIONS from his *Majesty* to the *Earle of* BELLOMONT, *Governor of* New York &c.

WHEREAS his Majesty thinks fitt for the better Administration of Justice, that a Law be passed wherein be sett the value of mens Estates either in Goods or Lands, under which they shall not be Capable of serving as Jurors: You are therefore by the first oppertunity of transmitting any Laws hither for his Majesties approbation to prepare and send one for that purpose.

You are with the Assistance of the Councell to find out the best meanes to facilitate and Incourage the Conversion of Negros and Indians to the Christian Religion.

You are to Endeavour with the Assistance of the Councell to provide for the Raising and Building of publick work-houses in Convenient places for the Imploying of poor and Indigent people.

Ordered, that the same be sent down to the Assembly for theire Consideration.

The Governor and Councell think it proper to put the house of Representatives in mind, that it will be much for the Creditt and Service of the province, that there be a handsome well contrived Town-house, wherein the Governor, Councell and Assembly may hold their Sessions, and also their Inferior Courts of Justice, and where the Mayor of New York may keep or hold his Courts.

The Governor and Councell also think it proper to putt the said house of Representatives in mind that a good Sufficient goale is also much wanted in this City of New York.

The Governor and Councell doe also Recomend to the house of Representatives the preparing a Bill for the Regnlar and faire Choosing of Representatives to serve in the Generall Assembly of this province, which will as they Conceive be very usefull and will prevent disputes and Quarrells which formerly often happened at Elections.

Ordered, that the same be likewise sent to the house of Representatives for their Consideration and Samuell Staats Esqr is hereby desired to Carry the same (together with his Majesties Instructions to his Excellency, this day produced by his Excellency to this board) to the said house.

Johannes Korfbyle, Henry Pearson, Jacob Rutson and Daniell Whitehead Esq^rs from the Assembly brought to this house the Bill for Indemnifying all such persons as were Excepted out of the Generall Pardon made &c Amended by the said Representatives.

Adjourned till to morrow morning.

At A Councell held at ffort William Henry, this Twelveth day of Aprill, 1699.

PRESENT— *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, WILLIAM SMITH, ABRA. DEPEYSTER, } Esq^rs
SAMUELL STAATS, ROBERT WALTERS, } Esq^rs

The Bill for Indemnifying &c being yesterday sent up to this house from the Assembly, with the Amendments agreed to and Amended accordingly,

Ordered, that the same be again sent down to the house of Representatives to be fairly Engrossed and Returned to this Board, and,

Ordered, that the Clerk of the Councell doe Carry the same to the said house.

Adjourned till to morrow morning.

At A Councell held at ffort William Henry this 13th *day of Aprill,* 1699.

PRESENT— *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, WILLIAM SMITH, ABRA: DEPEYSTER, } Esq^rs
ROBERT LIVINGSTON, SAMUELL STAATS, ROBERT WALTERS, } Esq^rs

His Excellency ordered the Messenger of the Councell to acquaint the Assembly that he had some Businesse to send to them in half an hour, and to Desire that they would not rise till they had Received the said Message.

His Excellency and Councell taking again into their Consideration the Instructions for Captain John Bleeker and Captain John Schuyler, Read in this house the Eleaventh Instant, do desire Coll^o Wm Smith and Coll^o Abraham Depeyster to acquaint the house of Representatives that on further Consideration they had thought fitt to add another Clause to the said Instructions, (vizt)

That if the ffrench or ffrench Indians should make any Insult upon our Indians that they would do well to Resist force with force, and that his Excellency will Assist them as far as he is able.

Adjourned till to morrow morning.

At a Councell held at ffort William Henry, this 14th *day of Aprill*, 1699.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, WILLIAM SMITH, ABRA: DEPEYSTER, } Esqrs
ROBERT LIVINGSTON, SAMUELL STAATS, ROBERT WALTERS, } Esqrs

Johannes Depeyster, Leonard Lewis, Killian van Ranslaer and John Drake Esqrs from the Assembly brought to this house a Bill for the Restraining and punishing Privateers and Pyrats, and another Bill for the Repealing An Act of Assembly Intituled An Act for the Regulating Damages done in the time of the late disorders, &c.

Abraham Gouverneur and John Jackson Esqrs from the Assembly, brought to this house a Bill for Regulating and Returning able and Sufficient Jurors in Tryalls at Law.

His Excellency acquainted this house that he was Informed of some persons now in this City who went on board of the Ship Adventure when Riding at Anchor off the East end of Nassau Island, and had brought severall Gunns, money and other things from thence; that he thought it his duty to Endeavour as much as in him lay to secure all things brought from on board the said Ship, that he could possibly come to the possession of, for the owners thereof; that in order thereto he had sūmoned the said persons to appeare before this house, and that they were attending without.

His Excellency and Councell ordered Isaac Cohen de Lara, a Jew, to be called into the Councell Chamber, who being Required by this house to declare the truth of his knowledge in the premises, declared, *ore tenus*, that he agreed with one Jonathan Bennet, Master of the Sloop Rebecca, to transport severall goods from Road Island to this Port; that in their way hither, they were fired at and brought too, by the ship Adventure; that after some stay there, the persons on board the ship, gave the Master of the said Sloop Seaventy two small gunns, Seaven paire of Pistolls, two or three dozen of hatts and severall other things which he named; That one Anthony Blunt a Passenger in the Sloop, brought from on board the said Ship, Two Baggs of money, and a bundle besides in which there was money; that there was as he beleived about seaven or Eight hundred pieces of Eight in the two baggs, and as much in the Bundle by the Biggnesse; That the said Bennet had damnified his Goods in the Voyage and had since his arriveall here agreed to give him the freight for his Goods hither and five of the said small gunns as a satisfaction for the said Damage, and seemed frank in declaring his knowledge of the premisses.

Ordered, that Joseph Bueno doe put into Writing what the said Isaac Coheen de Lara shall declare on his Recollecting his Memory in the premises. Then his Excellency ordered the said Jonathan Bennett Master of the said sloop, and the said Anthony Blunt, one of the Passengers, to be distinctly called in, who both seemed evasively to answer what Questions were put to them, soe that this house could not make any discovery by reason of their Contempt. The said Bennet and Blunt thereon ordered to withdraw.

This house are of opinion and doe order that the said Jonathan Bennet and Anthony Blunt be Comitted to the Custody of the Sergeant at Arms till further order.

Adjourned till four of the Clock in the afternoone.

Post Meridiem.

PRESENTIBUS— *Eisdem.*

Ordered, that Thomas Rothburne be Comitted to the Custody of the Sergeant at Arms untill he find security not to depart the province without leave from this house.

The Bill for Restraining and punishing Privateers and Pyrates,

The Bill for Regulating and returning able and Sufficient Jurors, &c,

The Bill for Repealing An Act for Regulating damages done in the time of the late disorders &c, Read the first time.

Adjourned till to morrow morning.

At a Councell held at ffort William Henry this fifteenth day of Aprill, 1699.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, WILLIAM SMITH, ABRA: DEPEYSTER, } Esq^rs
ROBERT LIVINGSTON, SAM^ll STAATS, ROBERT WALTERS, } Esq^rs

Mr Samuell Burt being Examined about the Report he heard at the east end of the Island Nassau about the ship lately sunk there, which some Pyrats had run away with, called the Adventure of London, sayth: that he heard of the people there as followeth: That the Captain called Broadish was much Concerned when he heard the ship was sunk, and asked the mate why he had done it? the mate sayd, the Captain staying soe long they dispaired of his Coming, and soe sunk the Ship. The Captain asked what was become of his share? The mate sayd it was aboard of the sloops (for they had three sloops attending the ship when they sunk her). The Captain was then satisfied but Inquired what was become of the boy; the Captain was told that they boy was putt on shoare, and as they pointed it was on the main, and that he had given him ffive hundred pounds besides some money, about a hat full, over and above, at which the Captain seemed to be pleased, since the boy was more pleased to be ashore at the Cart or plow than to goe to Sea.

The said Samuell Burt being desired by his Excellency and this house to give an Account of the produce of the Excise of each Town on the Island Nassau the last yeare, declared that he could not at present perform their demand, and his Lordship asking him who was concerned with him in that ffarm, he Replyed, Captain Ebenezer Willson.

Whereas it is thought fitt for his Majesties service that a particular account be delivered to this house by Mr Samuell Burt and Captain Ebenezer Willson who farmed the Excise of the Island Nassau, what the same did yeild and produce the last yeare, in order that that branch of his Majesties Revenue may be the better Regulated. It is

Ordered, that the said Mr Samuell Burt and Captain Ebenezer Willson doe appear before this house on Munday morning at nine of the Clock and then and there Exhibite a true and Exact account on their oathes of the produce of the Excise of each Town on the Island Nassau the last yeare.

Ordered, that the Sergeant at Arms doe bring Anthony Blunt and Jonathan Bennet now in his Custody before this house.

Ordered, that Anthony Blunt and Jonathan Bennet be discharged from the Custody of the Sergeant at Arms, they first giving Security not to depart the province without Lycense from this house.

The Bill for Establishing Courts of Judicature in each respective City and County within this province;

The Bill for Returning able and Sufficient Jurors in Tryalls at Law;

And the Bill for Restraining and punishing Privateers and Pyrats Read the second time and Comitted to Coll^o William Smith Cheife Justice, and the rest of the Justices of his Majesties Supreme Court of Judicature for this province.

The Bill for Indemnifying &c. being Returned to this house fairly Ingrossed was Read the third time, and passed this house.

Samuell Staats and Robert Walters Esq^rs ordered to acquaint the Assembly that the said Bill is passed this house.

Adjourned till Munday morning nine of the Clock.

At a Councell held at ffort William Henry, the Seaventeenth day of Aprill, 1699.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, WILLIAM SMITH, ABRA: DEPEYSTER, } Esq^rs
ROBERT LIVINGSTON, SAMUELL STAATS, ROBERT WALTERS, } Esq^rs

Mr Samuell Burt and Captain Ebenezer Willson appearing this day before this house pursuant to an order of the fifteenth Instant, his Excellency Required the said Burt on oath to Declare what he lett the Excise of Nassau Island for this last yeare, who offerred to sweare that he could not give the said Account; and being told by this house, that they did not Require an account of what he made of the said Excise, but what he lett the severall Towns

and Mannors on the said Island for, which they suposed he could not but know, for that it is lett by the yeare, and the time they had farmed it for is neare Expiring; the said Mr Burt sayd he could not give any such account, and he being asked if he would swear he could give no such account; he answered, he thought he could not be obliged to make such oath.

Then Captain Willson being Required by this house to Discover upon oath what the Excise of the said Island was lett for the last yeare, he Insisted that he had farmed the same from the then Collector of this province, that he had payd the money he had agreed to give for the Rent thereof into the Revenue, that he was no Kings officer or Receiver, and therefore was not obliged to give any such account to the King or to any other whatsoever. The said Willson being by his Excellency again asked, if he would sweare that he Could not give any such Account; he answered that he was not willing to take such oath. Then this house ordered the said Burt and Willson to withdraw. And the matter being debated, and duly Considered of by this house. It is

Resolved, that unlesse the said Samuell Burt and Ebenezer Willson will discover upon oath what they lett the Excise of the whole Island of Nassau for this last yeare, and also each County, Town, and Mannor, they be Comitted unto the Custody of the Serjeant at Arms till further order.

Then his Excellency ordered the said Burt and Willson to be called in; and acquainted them with the above Resolve of this house, and Required them to inform this house upon oath what they lett the Excise of the whole Island of Nassau this last yeare for, and also each County, Town and Mannor. Which they Refused.

Then his Excellency told them that himself and this house were willing to be as easy to them as they Could, and that they had no other end in getting that discovery from them, but the Kings service, his Excellency advised them to a Complyance and wondred they should be soe stubborn and Refractory, since there was no manner of design to Injure them, for if they had made ever soe advantagious a Bargain it was Excusable in them, and they should be allowed the Benefitt thereof and bidd them to Consider that this house dureing the sessions of Assembly was Invested with a greater power, as being part of that Constitution, than at other times in the Quallity of Governor and Councell. his Lordship alsoe told them they would doe well to be better advised, and Consider it is their duty to make that Discovery as tending to the Kings service, for that those Lawyers that advised them were Disaffected to his Majesties Goverment as he himselfe could prove, and that their Refusall is look'd upon by this house as a high Contempt of the Kings authority. But they still persisting in their stubbornesse,

This house therefore doe order that they be both Comitted to the Custody of the Serjeant at Arms till further order.

Whereupon the Serjeant at Arms was called in, and ordered to take them into Custody till further order accordingly.

This house are of opinion and doe order that the Attorney Generall of this province doe, as soon as possible, draw up a short Bill for the Comitting the aforementioned Samuell Burt and Ebenezer Willson to prison untill they shall discover what hath been Required of them.

The Bill for Repealing an Act of Assembly Entituled, An Act for the Regulating damages done in the time of the late Disorders &c Read the second time and Comitted to Collo William Smith Cheif Justice and the rest of the Justices of the Supreme Court of Judicature of this Province.

Adjourned till to morrow morning.

At A Councell held at ffort William Henry this Eighteenth day of Aprill, 1699.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN Lieutenant Governor,

STEPHEN CORTLANDT,	Esqrs	ROBERT LIVINGSTON,	Esqrs
WILLIAM SMITH,		SAMll STAATS,	
ABRA : DEPEYSTER,		ROBERT WALTERS,	

The Bill drawn up by the Attorney-Generall for Comitting of Ebenezer Willson and Samuell Burt &c and brought into this house, Read the first time.

Ordered, a second Reading to morrow morning.

Adjourned till to morrow morning.

At a Councell held at ffort William Henry this nineteenth day of Aprill, 1699.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, WILLIAM SMITH, ABRA : DEPEYSTER, } Esq^rs
ROBERT LIVINGSTON, SAMUELL STAATS, ROBERT WALTERS, } Esq^rs

The Bill for Comitting of Ebenezer Willson and Samuell Burt &c Read the second time and ordered to be Engrossed.

Coll^o William Smith Cheif Justice of this province and Chairman of the Comittee to whose Inspection severall Bills were Comitted does Report to this honōble house,

That the Bill for Establishment of Courts is very different from the former Constitution in this province, and will therefore Require a longer time justly to Consider the same. That the Bill for Returning able and sufficient Jurors do passe without any Amendment. That the Bill for Restraining and punishing Privateers and Pyrats be Limitted only for two yeares, and to the next Session of Assembly that shall sitt after the Expiration thereof, only with this Amendment: That such person who shall Refuse to appeare or neglect to obey the officers who shall Require their Assistance in the taking or apprehending any Pyrates or Privateers as in the said Act is Expressed, Instead of being subjected to be punished by the Decree of the Court Martiall shall be lyable to be fined in the sume of Ten pounds to be had and Recovered in the manner and forme as the ffine Imposed by this Bill, on the Officer who shall neglect or Refuse his duty by this Act Required is sett forth and Expressed. That the Bill for Repealing an Act of Assembly Intituled An Act for the Regulating Damages done in the time of the late disorders &c doe passe without any Amendment.

Ordered, that the Bill for Establishment of Courts &c be Recomitted as before.

The Bill for Regulating and Returning of able and Sufficient Jurors in Tryalls at Law;

The Bill for Repealing An Act of Assembly Intituled, An Act for the Regulating Damages done in the time of the late Disorders &c and

The Bill for Restraining and punishing Privateers and Pyrats Read the Third time and passed this house

Adjourned till to morrow morning.

At a Councell held at ffort William Henry, this twentieth day of Aprill, 1699.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, WILLIAM SMITH, ABRAHAM DEPEYSTER, } Esq^rs
ROBERT LIVINGSTON, SAMUELL STAATS, ROBERT WALTERS, } Esq^rs

The petition of the Inhabitants of Queen street and severall other streets neare adjacent Read.

Ordered, that a copy of the petition be sent down to the Assembly desiring them to take the said matter into their Consideration, and to Report to this house their opinions therein; and the Clerk of the Councell is hereby ordered to deliver to all persons desiring the same a Copy of the said petition and this order thereon, and to Receive all papers Delivered to him concerning the premises, and to lay them before this house.

Adjourned till to morrow morning.

At a Councell held at ffort William Henry, this one and Twentieth day of Aprill, 1699

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, WILLIAM SMITH, ABRA: DEPEYSTER, } Esq^rs
ROBERT LIVINGSTON, SAMUELL STAATS, ROBERT WALTERS, } Esq^rs

The Bill for Comitting of Ebenezer Willson and Samuell Burt &c Read the Third time and passed, and

Ordered. that Samuell Staats and Robert Walters Esq^{rs} do Carry the same to the Assembly for their Assent.

Whereas a Remonstrance hath been this day offerred to this house signed by Ebenezer Willson and Samuell Burt addressed to his Excellency and the Councell Board, and this house being now sitting in the Quallity of the upper house of Assembly of this province, by whom the said Ebenezer Willson and Samuell Burt were Comitted for their Contempt; This house are of opinion that the said Remonstrance does not come properly before them and that it be offerred in Councell next publick Councell day which is next Thursday.

Adjourned till to morrow morning.

At a Councell held at ffort William Henry, this two and Twentieth day of Aprill, 1699.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, ABRA. DEPEYSTER, ROB^{t} LIVINGSTON, } Esq^{rs} SAMUELL STAATS, ROBERT WALTERS, } Esq^{rs}

His Excellency gave the Assent to the Bill for Comitting Samuell Burt and Ebenezer Willson the same being Returned passed from the Assembly to this house.

The Clerk of the Councell Informed this house that Mr Burt and Mr Willson were now willing to Comply with the Directions conteined in the Act of Assembly for Comitting them.

Ordered, that the Sargeant at Arms doe bring the said Samuell Burt and Ebenezer Willson before this house Imediately, which being done and the Act being read to them, they offerred to Comply therewith, and Declared on their oathes before this house that they nor either of them, have not by themselves nor by any Imployed by them Directly nor Indirectly lett the Excise of the Island Nassau for more or otherwise than is Conteined in a paper sent by them to this house. By which paper it appeares that the said Excise was lett by them for £126 07^{s} 06^{d} the last yeare.

Ordered, that the said Ebenezer Willson and Samuell Burt be discharged from the Custody of the Sargeant at Arms paying their ffees.

His Excellency laid before this house three Bills which were Delivered (with the Bill for Comitting Ebenezer Willson &c) to him yesterday by Coll^{o} Rutsen and others members of the Assembly after this house was Risen vizt.

The Bill for preventing Abuses daily Comitted by Negroe slaves and Indians;

The Bill for Regulating of An Act of Assembly Intituled, An Act for the Supervising Intestates Estates and Regulating the Probate of Wills and granting Letters of Adm'stration.

The Bill for preventing Vexatious suites and Settling and Quieting the minds of his Majesties peaceable Subjects within this province. Which were read the first time.

Adjourned till Tuesday morning.

At a Councell held at ffort William Henry, this 25th *day of Aprill*, 1699.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, ABRA : DEPEYSTER, ROB^{t} LIVINGSTON, } Esq^{rs} SAMUELL STAATS, ROBERT WALTERS, } Esq^{rs}

The Bill for preventing abuses &c,

The Bill for Regulating of an Act &c,

The Bill for preventing Vexatious suites &c, Read the second time and Comitted to Coll^{o} Abraham Depeyster, Robert Livingston, Samuell Staats and Robert Walters Esq^{rs}

Adjourned till to morrow morning ten of the Clock.

At a Councell held at ffort William Henry, this 26th *Aprill*, 1699.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, ABRA : DEPEYSTER, ROBERT LIVINGSTON, } Esqrs
SAMUELL STAATS, ROBERT WALTERS, } Esqrs

The Bill for preventing Vexatious suites &c Read the third Time with the following amendments and passed, and,

Ordered that the said Bill be sent down to the house of Representatives with the said amendments, vizt.

Page the 2d Line 12th between the words [therefore] and [preventing] add the word [for] ; in page the 3d Line 1st between the words [it] and [hereby] add the word [is] ; In page 3d Line 7th Instead of the word [Resolution] write [Revolution.]

And Doctor Samuell Staats is hereby Desired to carry the said Bill and amendments to the said house, and to Desire them to Consent to the same.

Samuell Staats Esqr Desired to acquaint the house of Representatives that this house doe desire them to appoint a Comittee of their house to Conferr with Collo Abraham Depeyster, Robert Livingston and Robert Walters Esqrs who are appointed a Comittee of the Councell about the whole Bill for preventing abuses daily Comitted by Negro Slaves and Indians.

Adjourned till to morrow morning.

At a Councell held at ffort William Henry, this 27th *Aprill*, 1699.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, ABRA : DEPEYSTER, ROBt LIVINGSTON, } Esqrs
SAMUEL STAATS, ROBERT WALTERS, } Esqrs

A Message from the Assembly by Abraham Gouverneur, Leonard Lewis, Johannes Depeyster, Ryer Schermerhoorn and Hendrick Hansen Esqrs with the Bill for granting unto his Majesties severall Duties for the defraying the publick Charge of the Government, after the time Limitted in a Certain Act Entituled, An Act Confirming and Continuing unto their Majesties the Revenue Established by An Act of Generall Assembly for defraying the publick and necessary charge of the Government is Expired.

Which was Read the first and second time and Comitted to a Grand Comittee of the whole house to Consider thereof.

The aforesaid persons also layd before this board the Bill for preventing Vexatious Suites, the Assembly having Consented to the Amendments.

The Report of the Assembly to this house on the petition of the Inhabitants of Queens Street in this City, Read and Referred to farther Consideration.

Adjourned till to morrow morning.

At A Councell held at ffort William Henry, 28th *Aprill*, 1699.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,

STEPHEN CORTLANDT, ABRA : DEPEYSTER, ROBERT LIVINGSTON, } Esqrs
SAMUELL STAATS, ROBERT WALTERS, } Esqrs

The Chairman of the Comittee of the Councell to whome the Revenue Bill was by order of this house Referred does Report, that the following amendments ought to be Inserted in the said Bill vizt.

ffolio 17 Line 1st. And be it further Enacted by the authority aforesd, that all persons not being Retailers who shall receive any Rum into the City and County of Albany or County of Ulster, shall if thereunto Required, deliver an Account upon oath to the Collector or Receiver of the Duties arising by this Act in each County of the Quantity of Rum Received by them, together with the names of the person or persons they have disposed of the same to, with the Quantity disposed

of to each person; And that such person or persons who have bought the same shall if thereunto required Deliver an Account upon oath to the Collector and Receiver, that he or they have not disposed of the Quantity soe bought by them by Retaile, but have Converted the same to their own use.

Folio 17 Line 4th. And that if any Question or Difference shall arise concerning the Alienating of the property of the Goods and Merchandizes mentioned in this Act, That then the Collector and Receiver Generall of this province is hereby authorized and Impowered to Administer an oath to the person that enters the same in his Majesties Custom-house that the said Goods have not been by him sold to any person but are exported on his owne proper Account.

Page 13. Line 7th. Between the words [aforesaid] and [that] add [and make oath before the Collector and Receiver Generall of this province]

Page 13 Line 8th & 9th. Leave out these words [and Carry out of this province.

Page 9. In the Beginning of the tenth line add these words [or shall trade or traffick from one port or place to another within the same.

In folio 9 the last Line between the words [province] and [before] add [or since their Departure from such port or place within the same they arrived from. Which was approved of.

His Excellency acquaints the Councell that having Examined the powers in his Majesties Comission and Instructions finds the three Clauses, Copies whereof he now produces, Whereby he Conceives that it is his Majesties gracious will and pleasure, that the settling and making a Table of ffees Relating to the severall officers and offices within this Government shall be by the appointment of the Governor and Councell, and that his Majesty is soe Carefull therein, for the ease of the subject, That he has been pleased to putt a Restriction upon the Governor and Councell, whereby his Majesty plainly Reserves to himself the approbation of all such ffees, as shall be soe settled by the Governor and Councell as aforesaid, as appears by the words marked with a line at the latter end of the first Clause taken out of his Majesties Instructions, and his Excellency Desiring the advice of the Gentlemen of the Councell, they are of opinion unanimously, that a Conference ought to be desired with the house of Representatives upon the subject matter of the Revenue Bill sent up yesterday to this house, with the Table of ffees annexed thereunto for the officers of the Customs:

And it is agreed that Collo Abraham Depeyster, Robert Livingston, Samuell Staats and Robert Walters Esqrs be Managers of the Conference with the house of Representatives, and they are desired to putt the managers of the said house of Rep^r^sentatives in mind that it is the opinion of his Excellency and of this house that it will be proper for the house of Representatives, to withdraw the Table of ffees, and the Clause in the said Bill Relating thereto to the end that his Majesties orders and Instructions may be Complyed with and that no Indecency or Disrespect may be Comitted against the same by the house of Rep^r^sentatives. The managers of this house are also to acquaint the Managers of the Lower house, that the Governor and Councell will take the Businesse of ffees into their Consideration this next week, and will take care soe to moderate them in all the offices of the Goverment, as they hope will give satisfaction to all parties Concerned, and his Excellency will send them to England to Receive his Majesties speciall directions therein. The Managers of this house are alsoe desired to lay before the Managers of the Lower house, Certain Clauses and Amendments which are prepared to be Inserted in the said Revenue Bill for the making the said Bill more effectuall.

Ordered, that Samuell Staats and Robert Walters Esqrs do acquaint the Assembly that this house doe Desire them to appoint a Comittee to Conferr with a Comittee of this house on the subject matter of the Revenue Bill sent up yesterday to this house. And the said Samuell Staats and Robert Walters Esqrs are hereby directed to acquaint this house when and where the said Conference is to be managed.

A Message from the Assembly by Abraham Gouverneur and Cornelius Van Brunt Esqrs to this house p^r^senting the Bill for setling the Estate of Jacob Milburne Deceased.

Adjourned till to morrow morning.

At A Councell held at ffort William Henry, this 29th *Aprill*, 1699.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, ARRA. DEPEYSTER, ROBERT LIVINGSTON, } Esqrs

SAMUELL STAATS, ROBERT WALTERS, } Esqrs

The Chairman of the Comittee of the Councell appointed to manage the Conference with the Comittee of the house of Representatives upon the subject matter of the Revenue Bill does Report to this honoble house,

That the Comittee appointed by the house of Representatives doe Disagree to the two Amendments in the Revenue Bill by the Comittee of the Councell desired to be Regulated in folio 9 of the said Bill.

The Comittee of the Assembly Disagree to the Amendm^t page 13th Line 7th.

The said Comittee agree to the Amendment page 13th Line 8th and 9th.

The said Comittee agree to the Amendment folio 7th Line 4th.

The said Comittee Disagree to the Amendment folio 17 Line 1st.

The Comittee of the Assembly doe agree that the ffees appointed for the severall officers particularly mentioned in this Act, and the Clauses tending thereunto be left out of the same, the said Comittee paying all Dutyfull Deference to his Majesties Letters Patents and Instructions, to which the said Letters patents have Reference.

The Bill for Settling the Estate of Jacob Milburn Deceased, Read the first time.

A Message from the Assembly to this house by Abraham Gouverneur, Hendrick Hansen Johannes Depeyster and Jacob Rutsen Esq^rs presenting an Addresse from the house of Representatives and severall petitions annexed.

Ordered, that the said Addresse and petitions be Referred till further Consideration.

Ordered, that Anthony Blunt, Jonathan Bennet and Thomas Rothburne be permitted to depart the province if they shall see occasion, and the security given by them is hereby discharged.

Adjourned till Munday morning.

At a Councell held at ffort William Henry, the first May, 1699.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, WILLIAM SMITH, ABRA: DEPEYSTER, } Esq^rs

ROBERT LIVINGSTON, SAM^ll STAATS, ROBERT WALTERS, } Esq^rs

The Bill for Settling the Estate of Jacob Milburn Esqr decēd, Read the second time and Comitted to Coll^o William Smith, Coll^o Abraham Depeyster, Samuell Staats and Robert Walters Esq^rs or any three of them.

His Excellency and the Gentlemen of the Councell doe Recommend to the Consideration of the house of Representatives how much it Imports his Majties honour and the Reputation of this province that the debts of the Goverment be discharged, that the Creditt thereof may be supported, that they will with all convenient speed agree upon such Meanes and Wayes, as may be effectuall to discharge the same, for that it cannot be Expected, the emergent Charges of the Goverment being first defrayed, there should be any surplusage, arising out of the Revenue, as now settled, that can be applycable to that end.

Samuell Staats and Robert Walters Esq^rs are desired to Carry the above minute to the Assembly.

James Graham Esqr, his Majesties Attorney Generall of this province, attending without, his Excellency ordered him to be called into the Councill chamber, where he being asked if this house during the Session of the Assembly had as part of that Constitution a Judiciall power to heare and Determine cases and causes of Law and Equity, and to vacate and Reverse Decrees and Judgments, he Resolved that his Excellency and this house had a Right soe to doe, and that they were vested with the powers aforesaid during the Sessions of the Assembly.

Ordered, that Coll^o Wm Smith, Coll^o Stephen Cortlandt, Coll^o Abra: Depeyster and Samuell Staats Esq^rs be a Comittee to draw up a scheam of ffees for the Collector and Navall Officer of this province, and for the Secretary for passes, and make their Report to this house to morrow morning.

Adjourned till to morrow morning.

At a Councell held at ffort Wm Henry the Second day of May, 1699.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

WILLIAM SMITH, ABRA: DEPEYSTER, ROBERT LIVINGSTON, } Esq^rs

SAMUELL STAATS, ROBERT WALTERS, } Esq^rs

The Scheam of ffees drawn up by the persons appointed thereunto were Read and approved of.

Coll° William Smith Chairman of the Comittee to whom the Bill for settling the Estate of Jacob Milburne Esqr deceased was Comitted does Report to his Excellency and this honōble house, that the said Bill do passe without any amendment. Which was Read the Third time and passed accordingly.

Upon further consideration of the Addresse of the house of Representatives to this house with the petitions thereunto annexed, It is

Resolved, that the petitions of Jacob Leisler, Gerbrant Claese and Robert Evernden and Anne his wife being matters which never have been tryed in the Courts of Law or Equity of this province, it is wholly unpresidentall for this house to Intermeddle therein. And

Resolved, that the matter Contained in the petition of Andry Wandall be Considered of on ffriday next, being the fifth Instant, at Eight of the Clock in the morning, and all persons Concerned are hereby directed to appeare at the same time with their Evedences, and the Clerk of this house is hereby directed on Request to Issue out sumons's to the parties concerned and Evedences to appeare before this house at the same time.

Adjourned till to morrow morning.

At a Councill held at ffort Wm Henry this 3^d of May, 1699.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

WILLIAM SMITH, ROBERT LIVINGSTON, } Esq^rs — SAMUELL STAATS, ROBERT WALTERS, } Esq^rs

That upon a Complaint and Supplication made by Coll° Abraham Depeyster setting forth to this house that a Certain ship called the ffortune, legally condemned in the Court of Admiralty of this province for trading thereinto being fforreigne built, and was bought by him the said Coll° Depeyster of the King at a publick sale suposing, as he was then Informed, that being soe condemned she was Qualified to trade as if English or plantation built, which he is since given to understand may not be allowed of unlesse she can have some further Qualification, and he having payd to his Majesty a valuable sume of money for her, and since been at very considerable charge and Expense in Repairing and fitting her for sea, does humbly pray the Advice and Direction of this house, that some Expedient may be found the premises considered that the said vessell may be capacitated by some Act of Generall Assembly to trade to and from this port.

His Excellency and this house having maturely considered of the same, do order that this matter be Recomended to the house of Representatives of this province, Convened in Generall Assembly, if by any Act that can be made in the Assembly of this province now setting (not contrary or Repugnant to the Laws of England) the said Coll° Abraham Depeyster may be Releived in the case aforesaid. And

Ordered, that Robert Livingston Esqr doe carry the above minute to the house of Representatives.

Adjourned till to morrow morning.

At a Councell held at ffort Wm Henry the 4th day of May, 1699.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

WILLIAM SMITH, ABRAHAM DEPEYSTER, ROBERT LIVINGSTON, } Esq^rs — SAMUELL STAATS, ROBERT WALTERS, } Esq^rs

His Excellency brought into this house four Bills which were sent yesterday from the house of Representatives to this house after this house had rose vizt.

A Bill for Raising an Additionall duty for the Defraying the Debts of the Goverment;

A Bill for preventing of ffrauds and Imbezillments of Drift Whales and other Royall ffishes that of Right doe belong to his Majesty and for the Incouragment of Whale ffishing within this province of New York;

A Bill for preventing of Tresspasses;

A Bill for granting unto his Majesty the sume of Two thousand pounds, 1500£ whereof to be allowed unto his Excellency Richard Earle of Bellomont and 500£ unto Captain John Nanfan Lieutenant Governor.

The above four Bills Read the first and second time and Comitted to Coll° William Smith, Coll° Abraham Depeyster, Robert Livingston, Samuell Staats and Robert Walters Esq^rs.

A Message from the house of Representatives by Mathew Howell and Daniell Whitehead, Esq^rs with the Bill for Reviving An Act of Assembly Expired by its own Limitation Intituled, An Act for the Regulating the Reteining Attorneys at Law, And the Bill for the Settlement and Support of Ministers and Schoolmasters and Building and Repairing Meeting houses within this province.

The petition of Robert Livingston Esqr read and Recomended by his Excellency and Councell to the Consideration of the Assembly and

Ordered, that Coll° Abraham Depeyster do Carry the said petition to the said house.

Adjourned till to morrow morning.

At a Councell held at ffort Wm Henry, this 5th day of May, 1699.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

WILLIAM SMITH, ABRAHAM DEPEYSTER, ROBERT LIVINGSTON, } Esq^rs

SAMUELL STAATS, ROBERT WALTERS, } Esq^rs

Coll° William Smith Cheif Justice of this province and Chairman of the Comittee to whome the four Bills read yesterday in this house were Referred does Report to this honōble house, That the Bill for Raising an Additionall duty &c The Bill for preventing of tresspasses and the Bill for granting unto his Majesty the sume of Two thousand pounds &c doe passe without any amendment, And the said Comittee doe desire that the Bill for preventing frauds and Imbezilments of Drift Whales and other Royall ffishes &c be Referred till further consideration; Which they humbly submitt to his Excellency and this honōble house. The said Report Read and approved of.

Ordered, that Coll° William Smith, Coll° Abraham Depeyster, Robert Livingston, Sam^ll Staats and Robert Walters Esq^rs or any three of them do draw up a Bill to prevent ffrauds and Imbezillments in Drift Whales and other Royall ffishes &c and that they take the Attorney Generall to their Assistance

The Bill for granting unto his Majestie the sume of £2000 &c

The Bill for preventing of Tresspasses.

And the Bill for Raising an Additionall duty Read the third time and passed this house.

Coll° Smith ordered to give the List of the ffees of the Customhouse Officers &c to the Speaker of the house of Representatives.

The consideration of the petition of Andry Wandall is hereby Referred to be considered of on Munday morning next at ten of the Clock and Sumons's to Issue according to the Directions Conteined in the minute of this house of the second Instant.

The Bill for settling and Supporting of Ministers &c Read the first time.

A message from the house of Representatives by Jacob Rutsen, Johannes Bleecker and Haesbrooke Esq^rs with a Bill for Regulating the ffences in Ulster County.

A Bill for Continuing the Act for Encouraging the *post office* two yeares longer after the Expiration of the last act made for Continuance of the same.

A Bill for the Regulating the Elections of Representatives in Generall Assembly in each Respective City and County within this province.

And the Answer of the house of Representatives to the Message sent to them about the ship ffortune, which Answer was ordered to be entred in the minutes and followeth *in hæc verba.* vizt.

The humble Answer *of the* house of Representatives *to the* Message *sent down by his* Excellency *and* Councell *concerning the supplication of Coll°* Depeyster *Relating to the Ship* ffortune.

The Representatives having duly Considered the Message, are of opinion, that the Laws of England, have soe Restrained the plantations that it cannot be in the power of any plantation to make any fforeign built ship free, but humbly Conceive, that in Reguard Coll° Depeyster did purchase the said ship ffortune of the King at a publick sale, and having upon that publick ffaith disbursed a Considerable sum of money to make the said vessell fitt to go to sea, that either he ought to be Repayd by the King the sum of money he has soe disbursed, or permitted to take some provision or Lumber aboard the said vessell and navigate her to some other port where she may be Lawfully sold without any seizure or fforfeiture by any officer in this Government. Which is humbly submitted.

By order of the house of Representatives.

JA: GRAHAM, Speaker.

Adjourned till to morrow morning.

At a Councell held at ffort William Henry, this 6th Day of May, 1699.

PRESENT— *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, WILLIAM SMITH, ABRA: DEPEYSTER, } Esqrs
ROBERT LIVINGSTON, SAMUELL STAATS, ROBERT WALTERS, } Esqrs

The Bill for Settlement and Support of Ministers &c Read the second time.
The Bill for Reviving the Act for Regulating the Retetning Attorneys at Law &c
The Bill for Regulating the ffences in Ulster County.
The Bill for Continuing the Act for Encouraging the *post office* &c
And the Bill for Regulating the Elections of Representatives &c Read the first and second time; and Comitted to the whole house.

His Excellency produced his Instructions from the Lords Justices of England Dated the tenth day of November 1698, whereby he is directed to use all legall meanes for the Breaking of Extravagant Grants of Lands and Desired that the Gentlemen of this house would joyne with him in the ordering the Attorney Generall to draw up a Bill for the Breaking the same, and particularly named Collo Bayards Grant, Domine Dellius's two grants, Captain Evans's two grants; the Church Lease, and Collo Heathcotes two grants; And the Gentlemen of the Councell Consented, that a Bill be ordered to be prepared and offerred to the Consideration of this house by Mr Attorney Generall for Vacating the aforesaid grants, and his Excellency moved that there be a Clause Inserted in the Body of the Bill to prevent the Governor or Comander in Cheif of this province for the time being from Alienating Nutten Island, the Kings ffarm, the Kings Garden, and the swamp at ffresh Water as being the Demesne belonging to the Kings Governor for the time being.

Adjourned till Munday morning.

At a Councell held at ffort Wm Henry, this 8th day of May, 1699.

PRESENT— *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, WILLIAM SMITH, ABRA: DEPEYSTER, } Esqrs
ROBERT LIVINGSTON, SAMUELL STAATS, ROBERT WALTERS, } Esqrs

The Bill for vacating, Breaking and Annulling severall Extravagant Grants of Land made by Collo ffletcher late Governor of this Province under his Majesty (being drawn up by the Attorney Generall and brought to this house) Read the first time and ordered a second Reading on Thursday morning next, and all persons Concerned to have notice to appeare at nine of the Clock the said Day in the morning.

Andry Wandall et Richard Alsopp — The parties Concerned appeared, and the petition with the Addresse of the house of Representatives to this house and orders thereon, together with the last will and Testament of Thomas Wandall Read. The matter argued, and Referred to be Considered of till to morrow morning, and in the meane time Collo William Smith Cheif Justice is directed by this house to take the Affidavits of all Witnesses in the premises.

Adjourned till six of the Clock afternoone.

Post Meridiem.

PRESENT— *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, WILLIAM SMITH, ABRA: DEPEYSTER, } Esqrs
SAMUEL STAATS, ROBERT WALTERS, } Esqrs

Collo William Smith Chairman of the Comittee of Councell to whose Inspection the Bill for Reviving an Act of Assembly for Regulating Attorneys at Law &c and the Bill for Regulating Elections of Representatives &c does Report to this honōble House that the said Bills doe passe without any Amendment.

The said two Bills Read the Third time and passed this house.

The petition of Richard Alsop read, and the matter Conteined therein Referred till Thursday morning.

His Lordship on the petition of the Inhabitants of Queen street in the Citty of New York having with severall of the members of his Majesties Councell viewed that part of the said City in order to the appointing a Convenient place at that end of the said City, for the Importing and Exporting Goods and Merchandizes, acquaints the Councell that he is of opinion that the Slip at the mouth of Maiden Lane in Queens Street aforesaid is the most Convenient place at that end of the said City, which the Gentlemen of the Councell approve of. It is therefore

Ordered, that all person and persons Importing or Exporting any Goods Wares or Merchandizes into or out of this Province may for the time to Come ship of or Land the same at the mouth of the said slip in like manner as they formerly have done at the Custom house wharf. And

Ordered, a patent issue for the same.

Adjourned till Wednesday morning.

At a Councill held at ffort Wm Henry, 10th *May*, 1699.

PRESENT— *His Excellency* RICHARD *Earle of* BELLOMONT,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, WILLIAM SMITH, ABRA : DEPEYSTER, } Esq^rs

ROBERT LIVINGSTON, SAMUELL STAATS, ROBERT WALTERS, } Esq^rs

The Bill for preventing ffrauds and Imbezilments and for the better Regulating and securing his Majesties and his subjects Just Right to all Drift Whales and other Royall ffishes, that shall be cast on shoare or found floating on the sea Coasts of this Province, being drawn up by the Comittee appointed thereunto was brought into this house.

The said Bill being Read the first second and third time is passed this house and

Ordered, the same be Carried to the house of Representatives for theire Assent.

That on the Receipt of a Message from the house of Representatives Relating to the Establishment of Certain ffees, in a schedule to the same annexed, his Excellency and Councell having maturely Considered the same and such Instructions as his Excellency hath from his Majesty relating to the settlement of ffees, ffor answer to the said message do say, That as to that part Relating to a post Entry Coll° Stephen Cortlandt one of the Comissioners of the Custom-house, who is hereby ordered to carry this message to the house of Representatives, will Explain and make Clear to them the meaning and use of that Article. And that, as to the two Certificates, observed to be given, both from his Majesties Custom-house, and the Navall officer Coll° Cortlandt Informs his Excellency and this house, that they are two Different things, and will Explain that also. That as to the Schedule of the said ffees his Excellency and Councell are of opinion, that it will be a due Deference paid to his Majesty that the said Schedule of ffees should be continued untill his Majesties pleasure should be further known. But that his Excellency and Councell will forthwith order and Establish That no other ffees shall be taken by the officers and for the uses aforesaid, than such ffees as are soe Conteined in the Schedule sent up to this house, and that whatever officer shall presume on any pretence whatsoever, to take any more or other ffees, than such as are soe settled, shall forthwith loose and be Dissmissed from his Employment. His Excellency and Councell do therefore think fitt that the last part of the Revenue Bill relating to ffees only be wholly left out of the said Bill.

William Smith Esqr Cheif Justice of this province and Chairman of the Comittee to whome the Consideration of severall Bills were Comitted does Report to this honõble house :

That as to the Bill for Settlement and Support of Ministers and Schoollmasters &c his Excellency the Governor having been pleased to Comunicate unto us his Instructions Relating to the Settlement of Religion in this province, we are humbly of opinion that by the said Instructions your Excellency ought not to passe the said Bill. But we doe humbly offer the Reasonablenesse and our Readynesse to Joyn with the Representatives of this province in an Addresse to your Excellency humbly to Represent to his most Sacred Majtie the State and condition of this province, as to the matters in the said Bill conteined, and that his Majesty of his Great piety and wonted Clemency would be gratiously pleased to allow untill some better order can be in this province had for the Settlement of a more orthodox Ministry. That such Ministers of the Presbiterian and Independant Congregations as are allready settled in the severall Towns of this province may be continued and mainteined according to such agreement as hath been made by the major part of the people of such Towns and that all the Inhabitants within the bounds of such Towns may be equally and Justly Assessed according to their severall Estates for and towards the payment and Support of such Ministry, and that such other Towns who are well able to maintain a Minister and have none within this Province may be Incouraged and obliged to Establish and Ascertain a maintenance, and use their Endeavours

to get Ministers, that Gods word may be preached and his Ordinances practized amongst us, and that Churches, Schoolls and parsonage-houses may be built and Repaired throughout this province Which is humbly submitted.

That the Bill for Continuing the *post office* doe passe without any Amendment.

That the Bill for Regulating ffences in Ulster County the Reason of it is not Cleare to us, and we are of opinion the parties at whose prayer it is made doe Explain the Consequence thereof to this house.

The Bill for Continuing the *post office* Read the Third time and passed.

Adjourned till six afternoone

Post Meridiem.

PRESENT — *His Excell* RICH^D *Earle of* BELLOMONT,
Captain JOHN NANFAN Lt Govr

WILLIAM SMITH, ABRAHAM DEPEYSTER, ROB^t LIVINGSTON, } Esq^rs

SAMUEL STAATS, ROBERT WALTERS, } Esq^rs

The petition of Richard Alsop Read and

Ordered: he have further time till ffryday morning

The Bill for Enabling the City of New York to pay their debts and repair their publick buildings &c and the Bill for Enabling the City and County of Albany to Defray their necessary charge brought into this house by his Excellency, being Delivered to him by the members of the house of Representatives appointed thereunto after this house was Risen, were read the first and second time and Comitted to Coll° William Smith, Coll° Abraham Depeyster, Robert Livingston, Samuell Staats and Robert Walters Esq^rs or any three of them.

Ordered, that Samuell Staats and Robert Walters Esq^rs doe carry the above Bill for preventing of ffrauds and Imbezillments in Drift Whales to the Assembly (Coll° Cortlandt being taken ill since the morning.

The petitions of Jacob Mauritz and Johannes Provoost Read and Referred to the Consideration of the house of Representatives.

Adjourned till to morrow morning.

At a Councill held at ffort Wm Henry this 11th *May*, 1699.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, WILLIAM SMITH, ABRAHAM DEPEYSTER, } Esq^rs

ROBERT LIVINGSTON, SAMUELL STAATS, ROBERT WALTERS, } Esq^rs

Abraham Gouverneur, Johannes Depeyster Esq^rs and severall other of the Gentlemen of the Assembly to the number of Twelve, appeared before this house, and delivered to his Excellency the humble Addresse of the house of Representatives to his Majesty (which was Read) and Desired that his Excellency would please to accept of the Dutifull and Loyall Affections of the Representatives of this province expressed in the said Addresse unto his Most Sacred Majesty, and would please to transmitt the same unto his Royall hands, Assuring this house that they would joyn with them in all things which might contribute to the glory and Renown of his Most Sacred Majesty.

His Excellency thanked them for their Loyalty to the King, and promised them to transmitt the said Addresse to his Majesty by the first oppertunity.

Coll° William Smith Chairman of the Comittee to whose Inspection the Bills for Enabling the City and County of Albany to Defray their necessary charge, and the Bill for Enabling the Citty and County of New York to pay their debts and to Erect and Repaire their publick buildings does Report to this honōble house.

That the Bill for Enabling the City and County of Albany &c doe passe without any Amendment. But that the Bill for Enabling the City and County of New York &c ought not to passe without some Amendment, and an estimate of their debts and what money will be necessary to be Raised for the publick works within this City. That for the house at the fferry we are humbly of opinion it ought to be built out of the Income arising by the same. That as to the City-hall an Estimate ought to be made of what the Charge thereof may be suposed to amount to, together with a List of their debts, and that power be given according to the Clause in the said Bill Conteined for Assessing the same on the said City, for the Levying of such a sume certain ℔ annū as may be thought necessary to answer those ends untill the same be Compleated.

The Bill for Vacating Extravagant Grants &c Read the second time.
The Bill for Enabling the City and County of Albany &c Read the third time and passed.
Adjourned till to morrow morning.

At a Councill held at ffort Wm Henry, this 12th *May*, 1699.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

WILLIAM SMITH, ABRA: DEPEYSTER, ROB^t LIVINGSTON, } Esq^rs
SAMUELL STAATS, ROBERT WALTERS, } Esq^rs

The Bill for Vacating Extravagant Grants &c Read the third time and passed.

Ordered, that the same be sent down to the Lower house, and Samuell Staats and Robert Walters Esq^rs are hereby ordered to carry the same, and the said persons are desired to putt the said house of Representatives in mind of the petition of Robert Livingston Esqr referred to them by this house.

The Bill for preventing Desertions of Souldiers, &c., Read the first second and Third time and passed this house.

Ordered, the same be carryed down to the Lower house by the persons abovementioned.

A Message from the house of Representatives by Mathew Howell and Daniell Whithead Esq^rs with A Bill to Enable the Respective Towns within this province to build and Repaire their meeting houses and other publick buildings.

The sd Bill Read the first and second time and Comitted to Coll^o William Smith, Samuell Staats and Robert Walters Esq^rs.

Wandall et Alsopp — At the Request of the said Alsop the matter Referred till to morrow morning.

Coll^o William Smith Cheif Justice of this province and Chairman of the Comittee to whom the Bill for Establishing Courts of Judicature &c was Comitted does Report to this honōble house.

That the said Bill has a Clause in it that Constitutes a Supreme Court of Judicature in every City and County of this province, and we are humbly of opinion that the said Establishment in the said Clause mentioned, is alltogether Impracticable and Repugnant to the Comōn and Statute Law of England that have Relation to the settlement of such Courts; that the same would be an Incroachment upon the Kings prerogative and would Divest the Subject of the means of maintaining and securing his Just Rights and Imūnities, which particular statutes and authorities of Law we are Ready to produce if soe Required to Justifie this our opinion, for which Reason we think the said Bill ought not to passe; which is humbly submitted.

A Message from the Assembly by Leonard Lewis and Abraham Gouverneur Esq^rs with the Bill for preventing those souldiers listed in his Majesties service from Deserting &c and the Bill for Enabling the City of New York to pay their debts &c and acquaints this house that the house of Representatives are humbly of opinion that the said Bill ought to passe without any amendment.

The said persons alsoe layd before this house the Addresse of the house of Representatives on the petition of the Inhabitants of Hempstead.

Adjourned till to morrow morning.

At A Councill held at ffort William Henry, this 13th *day of May*, 1699.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPHEN CORTLANDT, WILLIAM SMITH, ABRAHAM DEPEYSTER, } Esq^rs
ROBERT LIVINGSTON, SAMUELL STAATS, ROBERT WALTERS, } Esq^rs

A Message from the house of Representatives by Abraham Gouverneur and Hendrick Hansen Esq^rs with the Bill for Vacating Extravant (*sic*) Grants &c the said Bill being passed the house of Representatives with the following Amendments which were read and Assented to by this house (vizt)

Page the first line the Twenty Eighth, add, That it haveing appeared before the house of Representatives now Convened in Generall Assembly that Mr Godfrey Dellius had been a

principall Instrument in deluding the *Mohaque* Indians, and Illegall and surreptitious obteining of the said Grant, That he ought to be and is hereby suspended from the Exercise of his Ministeriall ffunction in the City and County of Albany. That a provisoe be added saving unto the City of New York the Rights they have to the ffresh Water, and Lands to low water mark behind the Kings Garden.

Wandall and Alsop The Councill on both sides appeared this day and the matter again fully heard and Debated on both sides, the will of Thomas Wandall and the Depositions taken by both parties before William Smith Esqr Cheif Justice, Read. The judgment given by the Supreme Court against the said Wandall, and the Affirmation thereof before the Governor and Councill of this province REVERSED, and ordered, that she be Restored to her possession of the Land Recovered of her by the said Judgment, as if no such Judgment had ever passed against her.

Coll° William Smith Chairman of the Comittee to whose Inspection the Bill for enabling the Respective Towns &c was Comitted does Report that the same do passe without any amendm^t.

The said Bill Read the Third time and passed this house.

His Excellency Informs this house that he admires that the house of Representatives pay soe little Deference to his Majesties order in Councill concerning a debt due to Mr Livingston of Three hundred Eighty Eight pounds Eight shillings and seaven pence. That he thought it his duty to Repeate the Recomendation of that matter to them, and again to desire them to take the same into their Consideration.

The Gentlemen of the Councill approve thereof.

Adjourned till Munday morning.

At A Councill held at ffort Wm Henry, this 15th *day of May*, 1699.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPH: CORTLANDT, WILLIAM SMITH, ABRA: DEPEYSTER, } Esq^rs

ROB^t LIVINGSTON, SAMUELL STAATS, ROBERT WALTERS, } Esq^rs

A Message to the house of Representatives by the Clerk of the Councill Requiring the Speaker and the whole house to attend his Excellency and Councill Imediately at the ffort.

The Clerk of the Councill Returned and Reported that the Speaker had left the Chair and would with the whole house Imediately attend his Lordship in Councell.

The Speaker and house of Representatives being present his Excellency Informed them that by his Majesties order which he produced. Dated the tenth day of November 1698, his Majesty is pleased to Constitute and appoint James Graham Esqr amongst other persons therein named to be sworn of his Majesties Councell of this province, and his Excellency being suddenly to depart from hence in order to Repair to his other Governments he thought it Expedient to Comply with his Majesties said order, and the said James Graham Esqr being Speaker of the house of Representatives, his Excellency desired that they would proceed to the election of another Speaker, and that they would attend his Excellency and Councill at ffive of the Clock in the afternoone and present their Speaker.

The said James Graham Esqr took the oaths appointed instead of the oaths of Allegiance and Supremacy and Subscribed the Test and Association and like took the oath of a privy Councellour of this province.

The Clerk of the Councill Layd before this house, the Act for Continuing the *post office*, the Message of Councill about the ffees annexed to the Revenue Bill and an order of the house of Representatives thereon together with the petition of John Marsh, and the Addresse of the house of Representatives to his Excellency and Councell on the said petition, the same being Delivered to him by the Speaker of the house of Representatives

The Bill for granting unto his Majesty severall Duties for Defraying the publick Charge of the Government after &c Read the Third time and passed; The house of Representatives having Consented that the last part Relating to ffees only be left out.

The petition of John Marsh and the Addresse of the house of Representatives thereon Read and Deferred to further Consideration.

The publick accounts of the Revenue being on the Eighth Instant Referred to Coll° Abraham Depeyster and others to be auditted and the said Coll° Depeyster alleaging that his affairs at present call him from the City of New York. It is

Ordered, that James Graham Esqr supply his Room in auditting the said accounts.

Adjourned till three afternoone.

Post Meridiem

PRESENTIBUS — *Eisdem* and JAMES GRAHAM Esqr

The house of Representatives presented Abraham Gouverneur their Speaker to his Excellency and Councell and Desired his Excellencies approbation.

The Speaker made a modest Apology.

His Lordship Confirmed their choice.

The Speaker desired his Excellencies Confirmation of their Rights and priviledges as his Excellency had promised in the Beginning of this Session.

Which his Lordship granted to them and ordered them to attend himselfe and Councill to morrow morning at Eight of the Clock

Whereas Richard ffloyd Junior of the Town of Brookhaven in the County of Suffolk on the Island Nassau hath during the sitting of this present Assembly, in Contempt of his Majesties Authority and in Derogation of his Majesties Right to all Drift Whales, not knowing the claymer and without any power or direction from any person pretending to have killed any such Whale, Imployed Sundry persons to cutt up and Carry away a Certain Drift Whale which came on shoare within the mannor of Saint Georges in the said County, and by undue practices hath Endeavoured to hide and Conceale the same from such persons as he well knew were Impowered on his Majesties behalfe.

That upon due notice Given to his Excellency and the upper house, of this present Assembly in Justification of his Majesties Right, as well as that His Majesties subjects might not be defrauded of their Just Claims to any such ffish they did by warrant from this house Cause the same to be seized and putt into the hands of the person Imployed as aforesaid to have the Care and Inspection of his Majesties Right and Interest as aforesaid.

It is therefore ordered and Decreed That the produce of the said Whale now in the Custody of the person Impowered to Inspect and Secure his Majesties Right on that part of the sea Coast where the said Whale stranded on due proof of the property thereto made by any of his Majesties subjects within this province within one month after the date hereof (which the person soe Impowered on his Majesties behalfe is hereby Invested with a Right to heare and Determine. That in such case, such part thereof as was lately agreed by Samuell Mulford to be allowed to Richard Richard (*sic*) ffloyd for trying and securing the same be allowed to the person soe Impowered on his Majesties behalfe as aforesaid for his Trouble in trying saving and securing the same which agreement soe made by the said Mulford is hereby declared to be null voyd and of none effect, and that all the Bone and the Remainder of the said Oyle upon such claime and proof made as aforesaid be delivered unto the person or persons who shall appeare to have Just Right to the same. And if no person or persons shall appear making claime thereof, within one month from the date hereof as aforesaid, that in such Case the person in whose Custody the produce of said Whale Remains be and is hereby Impowered and Directed to send such part of the Oyle and all the Bone aforesaid as should and is hereby directed to be Delivered to the Claimer proving his Right to the same with all convenient speed unto his Majesties Receiver Generall at New York, who is hereby Required to Receive the same, and to pay such Charge as shall accrue for its transportation from where it now is, and if noe person shall make any claime unto the same in three months after the same shall be in the Receiver Generalls hands and possession, that then the same shall be by him sold and disposed of to the use of our said Soveraign Lord the King.

A Message from the Assembly by David Provoost, Leonard Lewis, Cornelius Sebran van Brunt, Ryer Schermerhoorn and Veight Esq^rs presenting to his Excellency the petition and Remonstrance of the house of Representatives as also the Addresse of the said house upon the petitions of Jacob Mauritz and Johannes Provoost.

Adjourned till to morrow morning.

At a Councill held at ffort Wm Henry this 16th *Day of May,* 1699.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,
Captain JOHN NANFAN, Lieutenant Governor,

STEPH. CORTLANDT, WILLIAM SMITH, JAMES GRAHAM, } Esq^rs

ABRA: DEPEYSTER, ROBERT LIVINGSTON, SAMUELL STAATS, ROBERT WALTERS, } Esq^rs

The Bill for Enabling the City and County of New York to pay their debts &c Read the Third time and passed.

His Lordship according to the usuall form of passing Bills into Acts in this province in the presence of this house did sign the following Bills. Enacting them and ordering them to be Inrolled under the seale of the province, vizt

A Bill for Indempnifying all such persons as were Excepted out of the Generall pardon made by Act of Generall Assembly in the year 1691.

A Bill for Repealing an Act of Assembly Intituled an Act for the Regulating damages done in the time of the late disorders &c

A Bill for the Regulating and Returning able and Sufficient Jurors in Tryalls at Law.

A Bill for the Restraining and punishing privateers and pirats.

A Bill for preventing Vexatious Suits and Settling and Quieting the minds of his Majestics peaceable subjects within this province.

An Act for setling the Estate of Jacob Milburne Esqr deceased.

A Bill for preventing of Trespasses.

A Bill for the Raising of an Additionall duty for the defraying the debts of the Goverment.

A Bill for granting unto his Majesty the sume of £2000 &c.

A Bill for the Regulating Elections of Representatives &c.

A Bill for Reviving an Act for Regulating the Reteining Attorneys at Law.

A Bill for Continueing the Act for Encouraging the *post office* two yeares longer after the Expiration of the last Act for Continuance thereof.

A Bill to Enable the City and County of Albany to Defray theire necessary Charge.

A Bill for vacating breaking and Annulling severall Extravagant Grants of Land made by Coll^{o} ffletcher late Governor of this province &c

A Bill for preventing souldiers Listed in his Majesties service in this province of New York, from deserting his Majties said service.

A Bill to Enable the Respective Towns within this province to build and Repair their meeting houses and other publick Buildings.

A Bill for granting unto his Majesty severall Duties for the defraying the publick charge of the Government after the time Limitted &c.

A Bill for the Enabling the City of New York to pay their debts & to Erect and Repair their publick buildings and Defray their necessary charge.

The Speaker with the whole house of Representatives of this province pursuant to his Lordships orders yesterday to them, attending his Excellency and Councill, his Excellency acquainted them that he had passed severall Laws during the Sessions of this present Assembly, and ordered the Clerk of this house to Read the titles thereof. Which being done his Excellency said:

Gentlemen,

I thank you for the Testimony you have given of your duty and good Affection to the King in Continuing the Revenue and for all the other public Laws that have passed this Session.

I alsoe thank you for the kindnesse and Respect you have showed my selfe on all occasions, I am only Troubled that the Length of the Session has been such as will occasion an Increase of Charge to the Country, but you can all bear me Witnesse the fault of it is not Imputable to me, for I have done all that became me to dispatch businesse as it Came before me.

I could wish you had thought of a Bill to Reconcile parties 'tis what I expected from you, and since you have omitted it, I Earnestly Recōmend to you, that you will now at your going home into your Respective countries, putt all Lawfull means in practice to preserve the Kings peace, and not only soe, but that you also use the most effectuall means to perswade your neighbours to peace and Intire Reconciliation with one another, which is a duty they ow to God, and will be pleasing to the King, who as a true ffather of his people, Loves their prosperity and happiness which Consists cheifly in a perfect good understanding and union among themselves.

Then his Excellency prorogued the Assembly to the twentieth day of September next, and acquainted them of his Intention to publish the Laws passed this Session at the City hall Imediately.

SECOND ASSEMBLY SECOND SESSIONS.

At a Councill held at ffort Wm Henry this 25th July, 1700.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,

STEPHEN CORTLANDT, ABRA: DEPEYSTER, JAMES GRAHAM, } Esq^rs

SAMUELL STAATS, ROBERT LIVINGSTON, ROBERT WALTERS, } Esq^rs

Ordered, that the Clerk of the Councill do acquaint the house of Representatives that his Excellency and Councill are of opinion that in Consideration that the Representatives of severall of the Counties of this province not being yet come to Town, the house should adjourn themselves to ten of the Clock to morrow morning.

At a Councill held at ffort William Henry this 26th day of July, 1700.

PRESENT — As yesterday.

His Excellency adjourned the house of Representatives till to morrow morning ten of the Clock, and sent the Clark of the Councill to acquaint the said house therewith, which he did accordingly.

At a Councill held at ffort William Henry this 29th day of July, 1700.

PRESENT — As on the six and Twentieth Instant.

His Excellency ordered the Clerk of the Councill to acquaint the house of Representatives, that he desired their attendance at the ffort Imediately. Which was done. And the Speaker with the house of Representatives being present his Excellency sayd:

Gentlemen,

Speech. I thought a Sessions of the Generall Assembly absolutely necessary at this time, that you might advise such measures as will best secure the ffive nations of Indians in their obedience to the Crown, which all of you know is of the last consequence to this and all the rest of the English plantations in America. Our neighbours of Canada know the value of the ffive nations to us, and therefore with Indefatigable pains are every day seduceing them from us by their Jesuits; and 'tis said that such of them as will not be seduced are many of them taken off by poyson.

The proper Remedies against these growing mischiefs the Indians themselves have chaulked out to us. They have often pressed me with great Instance that they may have protestant ministers to Instruct 'm in the Christian Religion, and a ffort to cover 'm from the Incursions of the ffrench and their Indians. I hope their will be a way found out to furnish them with Ministers from England, but for a ffort that belongs to you to provide. I am allwayes very tender of Engaging you in things of Expense, but the building a ffort to secure the Indians and satisfie them, is such an Expense, as I beleive every man of you will think Indispensably necessary, and that it should be built also out of hand that the Indians may be Encouraged by seeing there's care taken for their protection.

Gentlemen of the house of Representatives,

I hope there needs no other Argument than that I have now offerred to Quicken you to the giving such a supply as may build a ffort in the most Convenient part of the countrey for defence of the ffive Nations. You need not be told how much the honor and Interest of the Crown, and your own private Interest are Ingaged in the right managment and preservation of those Indians, and you cannot give the King a better Testimony of your duty and Affection to his Majesties person and goverment than by a cheerfull Compliance with what has been now proposed to you. I would offer to you the passing some necessary Laws, but that I consider 'tis harvest time, and I will give as short an Interruption to your countrey affaires as I can, besides, I have appointed a meeting and Conference with the Sachims of the ffive Nations next week at Albany which I intend accordingly to perform.

The Speaker desired a copy of his Excellencies speech, which was given to him and withdrew.

Adjourned till to morrow morning ten of the Clock.

30th July 1700. His Excellency ordered the messenger of the Councill to acquaint the members of this board that by reason of his Indisposition he had adjourned the Councill till to morrow morning ten of the Clock.

At a Councill held at ffort Wm Henry this 31th *July*, 1700.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,

STEPHEN CORTLANDT, WILLIAM SMITH, ABRAHAM DEPEYSTER, } Esqrs

SAMUELL STAATS, ROBERT LIVINGSTON, ROBERT WALTERS, } Esqrs

John Marsh. *Ordered*, that the petition of John Marsh be Referred to Collo William Smith Collo Abraham Depeyster Samuell Staats Robert Livingston and Robert Walters Esqrs who are to consider of the merritts thereof, and to report what they shall have done therein.

Ordered, that Collo William, Smith Collo Abraham Depeyster, Samuell Staats, Robert Livingston and Robert Walters Esqrs be a Comittee of the Councill to confer with a Comittee of the Assembly about that part of his Excellencyes speech Relating to the building a ffort for securing the ffive Nations of Indians and that they meett and sitt at three of the Clock in the afternoon at the house of Mrs Davies.

Adjourned till to morrow morning ten of the Clock.

1st Day of August 1700. His Excellency by reason of his Indisposition adjourned the Councill till to morrow morning ten of the Clock.

At a Councill held at ffort Wm Henry this Second day of August, 1700.

PRESENT — As on the one and Thirtieth day of July last.

His Excellency layd before this board a Bill for Regulating of ffences in Ulster county delivered to him by a Comittee of the house of Representatives appointed for that purpose, which was read the first time.

Collo William Smith Chairman of the Comittee of the Councill appointed to Conferr with the Comittee of the Assembly about that part of his Excellencyes Speech relating to the building a ffort for securing the ffive nations of Indians does Report to this honoble Board that the Comittee from the house of Representatives, seem not to be satisfied of the necessity of erecting such a ffort, as his Excellency has mentioned in his speech to them and do offer for reasons the Remoteness of the place where they supose it may be Designed, the great Difficulty of sending men and other materialls necessary for such a work, and that both the Charge of building of it, Garrisoning of it, and victualling of it will be very great. That it will be near the Lake from whence the ffrench of Canada may come by water, and that if such a ffort in time of warr should by Treachery or Surprize be possessed by the ffrench it would be of very ill Consequence to this province. That if it shall be suposed for his Majesties service and the security of this province that such a ffortification be erected, they pray their house may be acquainted, what kind of ffortification is designed, of what materialls it is to be made, how it is to be garrisoned and mainteined, and that a computation of the Charge of Building of it may be made and layd before their house.

Post Meridiem.

PRESENTIBUS — *Eisdem.*

His Excellency ordered the Clerk of the Councill to acquaint the house of Representatives that he desired their attendance Imediately at the ffort, Which was done, and the Speaker with the whole house attending his Excellency and Councill his Excellency Delivered to them in writing his Answer to the house of Representatives to the six Quæries in their minutes about building a ffort for securing the ffive nations of Indians, which followed *in hæc verba:*

Answers to six Quæries Conteined in the Votes of the house of Representatives of New York of Wednesday the 31th July 1700.

1st The necessity of Building a ffort for defence of the Indians is plain from the Repeated pressing Instances of the ffive nations Expressed in all the messages they have sent to the Earle of Bellomont, ever since his being in the possession of the Goverment of this province. The Giving them therefore the satisfaction of complying with their desire (in the staggering condition they seem at present) may well pass for an argument of necessity, since if we do not humour them so as to Retrieve their Affection the ffrench will Infallibly take advantage of our Supinenesse, and will so caresse 'em as in a very short time to debauch 'em entirely from us. Besides lett not the difficulty of Building a ffort freighten us the ffrench have taught us the way, their fort at Cadaracque is as remote from Canada, as this Intended ffort can be from Albany, yett that distance did not deter them from building the said ffort, nor has it discouraged them from furnishing the Garrison with all sorts of provisions. Lastly there is another Consideration which makes it necessary to erect a ffort Imediately as much in the Center of the ffive nations as may be, for the settlement of a good minister or two in the said ffort, to Instruct the Indians, which can never be otherwise Expected can be Complyed with, for no minister or ministers will venture to go and live among the Indians out of a ffort and English garrison, to the apparent and certain hazard of their lives, especially now their poysoning is become so comon a way of taking away the lives of men.

2d To the Second Quære 'tis answered that the proper place for erecting a ffort is to be the work of the Kings Engineer, but 'tis suposed it will be most properly built somewhere in the Onondages Countrey, not only because they are in the center of the ffive nations, but also because a ffort built on their Land, will best Confront the ffrench ffort of Cadaracque as being Contiguous thereunto and therefore most capable of offence and Defence. And in this point also it will be proper to Consult the Sachims of the ffive nations, and know of them what part of the Countrey will be most agreeable to them for the building a ffort, which the said Earl will do at the Conference he is to have with them this next week at Albany. 'tis Intended the said ffort shall be made of Sodd work well ditched and pallisado'd

3d The Charge of Building such a ffort cannot reasonably be suposed to exceed fifteen hundred pounds.

4th The Garrison proposed for this ffort is one hundred men under Cōmand of a Captain who is to have two Lieutenants under him, the said Garrison to be duly payd and Subsisted at the Kings Charge and the said ffort gunn'd with twenty four great gunns six pounders.

5th The said Earle leaves the management of Building the said ffort to the Gentlemen of the house of Representatives soe far as Relates to the Receits and payments of the said money.

6th Tis not practicable to make any answer to the Sixth Quære, because the neighbouring Colonies are not in the power of the said Earl to Induce them to a Contribution to the Charge that has been proposed, neither indeed were it safe to delay this undertaking so long as till our neighbours could be asked the Question.

A Bill for preventing Abuses dayly Comitted by Negro Slaves was layd before this board by his Excellency being delivered to him by a Comittee of the house of Representatives appointed for that purpose, and was read the ffirst time.

Adjourned till to morrow morning ten of the Clock

At a Councill held at ffort William Henry, this third day of August, 1700.

PRESENT — As yesterday.

His Excellency layd before this board an Act against Jesuits and popish preists, which was Delivered to him by a Comittee of the house of Representatives appointed for that purpose

Which was read the first and second time, and Comitted to the whole house.

Adjourned till three of the clock afternoon.

Post Meridiem.

PRESENTIBUS — *Eisdem.*

Collo William Smith Chief Justice of this province and Chairman of the Comittee of the Councill to whom the Bill against Jesuits and popish preists was Comitted does Report to this honoble board.

That in page the first Line the ffifteenth and in page the second Line the Seaventh the word [September] be blotted out, and the word [November] interlined.

That in page the Third, Line the ffirst second third and fourth these words [one third part to his Majesty for and towards the support of the Goverment, one third to the Governor or Comander in Chief for the time being of this province, and the other third part to the Informer]

be obliterated and the words [one half to his majesty for and towards the support of the Goverment and the other half to the Informer who shall sue for the same, in any Court of Record within this province wherein no Essoign protection or wager of Law shall be allowed] be Interlined.

That these words be added at the end of the Bill [Provided this Act shall not Extend or be Construed to Extend unto any of the Romish Clergy who shall happen to be shipwracked or through other adversity shall be cast on shore or driven into this province, so as he continue or abide no longer within the same than untill he may have oppertunity of passage for his departure, soe also as such person Imediately upon his arrivall shall forthwith attend the Governor if near to his place of Residence or otherwise on one or more of the Councill or next Justices of the peace and acquaint them with his Circumstances and observe the directions which they shall give him during his stay in the province.

The said Report was Read and approved of, and the said Bill was read the third time together with the Amendments and passed, and ordered that Samuell Staats and Robert Walters Esq^{rs} do carry the said Bill and Amendments to the house of Representatives for their Assent.

Adjourned till to morrow morning ten of the Clock.

At a Councill held at ffort William Henry, this fifth day August, 1700.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,

WILLIAM SMITH, ABRAHAM DEPEYSTER, SAMUELL STAATS, } Esq^{rs}

ROBERT LIVINGSTON, ROBERT WALTERS, } Esq^{rs}

The memoriall of John Guest Read and Referred to the Consideration of the house of Representatives now sitting.

Adjourned till three of the Clock afternoon.

Post Meridiem.

PRESENTIBUS — *Eisdem.*

Killian van Ranslaer and John Depeyster Esq^{rs} layd before this board the Bill against Jesuits and popish priests, the house of Representatives having Consented to the said Amendments.

Adjourned till to morrow morning ten of the Clock.

At a Councill held at ffort Wm Henry, this sixth August, 1700.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,

STEPHEN CORTLANDT, WILLIAM SMITH, JAMES GRAHAM, ABRA : DEPEYSTER, } Esq^{rs}

SAMUELL STAATS, ROBERT LIVINGSTON, ROBERT WALTERS, } Esq^{rs}

His Excellency layd before this board An Act for appointing and enabling Comissioners to Examine take and state the public Accounts of this Goverment Delivered to him by a Comittee of the house of Representatives appointed for that purpose, which was read the first and second time.

A Bill for the preventing the abuses dayly Comitted by Negro Slaves, and a Bill for Regulating the fences in Ulster County Read the second time, and

Ordered, that the above three Bills be Referred to a Comittee of the whole house.

Adjourned till to morrow morning.

At a Councill held at ffort Wm Henry, this seaventh August, 1700.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,

STEPHEN CORTLANDT, WILLIAM SMITH, ABRA: DEPEYSTER, } Esq^rs

SAMUELL STAATS, ROBERT LIVINGSTON, ROBERT WALTERS, } Esq^rs

Coll° William Smith Chairman of the Comittee to whom the Consideration of severall Bills were Comitted does Report to this hono^ble Board, That the Bill for Regulating ffences in Ulster County the Reason of it is not clear to us, and we are of opinion that the parties at whose prayer it is made, do explain the Consequence thereof to this board.

That the Bill for preventing abuses dayly Comitted by Negro Slaves, has a clause in it which gives greater Liberty to negroes than the Law of England does to English-men and would Encourage them in Stealing and in Cõmitting Robberies and other villanies, the punishment to be Inflicted on them if Convicted being so Inconsiderable, and that the same is also Contrary and Repugnant to the Laws of England, for which reason they are humbly of opinion that the said Bill ought not to passe.

That in the Act for Appointing and enabling Comissioners to Examine take and state the publick accounts of this Goverment. The Sixteenth and Seaventeenth Lines of the third page these words [who is hereby Impowered to administer the same] be left out, and that in page the fourth Line the fourth these words [and other things be left out. Which is humbly submitted.

At A Councill held at ffort Wm Henry, this Eighth of August, 1700.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,

WILLIAM SMITH, ABRAHAM DEPEYSTER, SAMUELL STAATS, } Esq^rs

ROBERT LIVINGSTON, ROBERT WALTERS, } Esq^rs

A Message from the Assembly to this board by Leonard Lewis and Jan Janse Bleeker Esqr with a Bill for the better payment of the Representatives, which was Read the first and second time and Comitted to the members of this board or any three of them.

Adjourned till five in the afternoon.

Post Meridiem.

PRESENTIBUS — *Eisdem.*

His Excellency Laid before this board An Act for the better securing the ffive nations of Indians in their ffidelity to his Majestie the same being Delivered to him by a Comittee of the house of Representatives appointed thereto: which was read the first and second time and Comitted to this board.

A Message from the Assembly to this board by Coll° Jacob Rutsen &c with An Act for Reviving such actions and suites as were discontinued in the late Supreme Court of this province, and An Act for the Confirmation of a Certain patent granted by William Keift Esqr late Dutch Governor of this province unto Mathias Hansen late of Ulster County Deceased, and the Confirmation thereof by Richard Nicolls Esqr late Governor of this province unto the Coheires of the said Mathias Jansen Deceased.

The Bill for appointing and Enabling Comissioners to Examine take and state the publick accounts of this of this (*sic*) Goverment Read the third time together with the amendments and passed, and

Ordered, that Samuell Staats Esqr do carry the same to the house of Representatives for their Assent.

At a Councill held at ffort Wm Henry, this ninth day of August, 1700.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,

STEPHEN CORTLANDT, WILLIAM SMITH, ABRA: DEPEYSTER, } Esq^rs

SAMUELL STAATS, ROBERT LIVINGSTON, ROBERT WALTERS, } Esq^rs

Thomas Morgan and Ryer Schermerhoorn Esq^rs from the Assembly brought to this board the Bill for appointing and Enabling Comissioners to Examine take and State the publick Accounts of this Goverment, the house of Representatives having consented to the amendments.

His Excellency having layd before the Councill the Consideration of a Bill Entituled an Act for the better securing the ffive nations of Indians in their ffidelity to his Majesty. They are humbly of opinion that the money granted by the said Bill will not Extend to defray the charge of the Intended ffortification, and that the manner of Raising the same will be pernicious to the trade of this province and Destructive to his Majesties Established Revenue within the same Especially of such Branches thereof as this new Additionall duty is charged on Yett they Considering the great Importance of giving Satisfaction to the Indians of the ffive Nations, that it is the Intention of the Generall Assembly that a ffort be erected at the publick charge for their security; Therefore for that reason only and to comply with the present necessity do advise his Excellency to passe the same, but that it be done under the protestation of what ill consequence the manner of Raising this money may be to the province untill his Majesties pleasure be known herein or that some other Expedient be found to supply the Defects of the said Bill, which Report being read was approved of by his Excellency.

The Bill for the better securing the five nations of Indians in their ffidelity to his Majestie read the third time and passed.

His Excellency according to the usuall forme of passing Bills into Acts in this province in the presence of this board did sign the following Bills Enacting them and ordering them to be Inrolled under the seale of the province vizt.

1. An Act against Jesuits and Popish priests.

2. An Act for appointing and enabling Comissioners to Examine take and state the publick Accounts of the Goverment.

3. An Act for the better securing the five nations of Indians in their ffidelity to his Majesty.

Ordered, the Clerk of the Councill do acquaint the house of Representatives that his Excellency and Councill desire their attendance Imediately at the ffort. Which being done, And the Speaker with the whole house being present his Excellency acquainted them with what Acts he had passed, by reading the titles thereof to them, and ordered the Clerk to read to them the Report of the Gentlemen of the Councill on the Bill for better securing the ffive Nations of Indians in their ffidelity to his Majesty, and told them that he Joyned with the Councill in opinion that the said Act would be distructive to the Trade and Revenue of this province, that they had in a strange manner Demonstrated their Loyalty and Affection to his Majesty: That however he thought it fitt as the present circumstance of things Required to passe the same, and to prorogue the said Assembly to the first day of October next Ensueing, and

They are hereby prorogued accordingly.

SECOND ASSEMBLY THIRD SESSIONS.

At a Councill held at ffort William Henry this Second of October, 1700.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,

STEPHEN CORTLANDT, WILLIAM SMITH, ABRA: DEPEYSTER, } Esq^rs

SAMUELL STAATS, ROBERT LIVINGSTON, ROBERT WALTERS, } Esq^rs

His Excellency acquainted the Councill that yesterday the house of Representatives sent to him and acquainted him that but ffive of the members were yett come to Town, and desired to know if they might adjourn themselves, till the morrow morning, which he had ordered them to do accordingly.

The Councill approve thereof.

Then his Excellency with the advice of the Councill adjourned the Assembly till to morrow three of the Clock afternoon, the members not being yett come to Town.

Adjourned till to morrow three of the Clock afternoon.

At a Councill held at ffort William Henry this Third of October, 1700.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,

STEPHEN CORTLANDT, WILLIAM SMITH, ABRA: DEPEYSTER, } Esq^rs

SAMUELL STAATS, ROBERT WALTERS, } Esq^rs

His Excellency adjourned the Assembly to Munday morning ten of the Clock the members not being yet come to Town

Adjourned till Munday morning ten of the Clock

At A Councill held at ffort Wm Henry, this seaventh day of October, 1700.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,

STEPHEN CORTLANDT, WILLIAM SMITH, ABRA : DEPEYSTER, } Esq^rs

SAMUELL STAATS, ROBERT WALTERS, } Esq^rs

The Clerk of the Assembly acquainted his Excellency that the Representatives were not yet come to town. Whereupon his Lordship advised them to adjourn till to morrow morning nine of the Clock.

Adjourned till to morrow morning nine of the Clock

At A Councill held at ffort William Henry 8th *of October*, 1700.

PRESENT — As yesterday.

His Excellency being Informed by the Clark of the Assembly that the Representatives were not yett come to town, advised them to adjourn till to morrow morning nine of the Clock.

Adjourned till to morrow morning nine of the Clock.

9th October 1700. Adjourned to to morrow morning nine of the Clock.

10th October 1700. Adjourned to to morrow morning nine of the Clock

At A Councill held at ffort Wm Henry this 11th *October*, 1700.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,

WILLIAM SMITH, ABRA. DEPEYSTER, } Esq^rs

SAMUELL STAATS, ROBERT WALTERS, } Esq^rs

Coll^o CORTLANDT sick

The Clark of the Assembly acquainted his Excellency in Councill that but three of the members of the Assembly were now absent and that the rest attended his Lordships pleasure. Whereupon his Excellency ordered the Clerk of the Assembly to acquaint them that he desired their attendance Imediately.

The house of Representatives being present his Excellency Recomended unto them the Repealing the Act passed the last Session of the Assembly Intituled an Act for the better securing the ffive nations of Indians in their ffidelity to his Majtie, which will not answer the end Intended, and hath been generally declared by the merchants of this province to be pernicious to the trade thereof, and a diminution of the Revenue within the same, and advised

them to passe a Law for the raising the sume therein mentioned, for the use Intended, and told them that whatsoever else he had to Recomend to them should be sent to them in writing. Whereupon they withdrew

Adjourned till to morrow morning.

12th October 1700 Adjourned till Munday morning.

14th October 1700 Adjourned till to morrow morning.

15th October 1700 Adjourned till to morrow morning.

At A Councill held at ffort Wm Henry this 16th *of October*, 1700.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,

WILLIAM SMITH, ABRAHAM DEPEYSTER, SAMUELL STAATS, } Esqrs

ROBERT LIVINGSTON, ROBERT WALTERS, } Esqrs

An Act for the Better payment of the Representatives being layd before this board by his Excellency the same having been Delivered to him by Members of the house of Representatives appointed thereunto was Read the first and second time and Comitted to this board.

Adjourned till to morrow morning.

17th October 1700. Adjourned till to morrow morning.

18th October 1700. Adjourned till to morrow morning.

At A Councill held at ffort William Henry this 19th *of October*, 1700.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,

ABRAHAM DEPEYSTER, SAMUELL STAATS, } Esqrs

Coll° CORTLANDT sick

ROBERT LIVINGSTON, ROBERT WALTERS, } Esqrs

The rest out of Town.

An Act for declaring the Town of Eastchester in the County of Westchester a distinct parish from the Town of Westchester in the County aforesaid was produced at this board by his Excellency being Delivered to him by members of the house of Representatives appointed thereunto and Read the first and second time and Comitted to the members of this board

Adjourned till Munday morning

At A Councill held at ffort William Henry this 21th *of October*, 1700.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,

ABRAHAM DEPEYSTER, SAMUELL STAATS, ROBERT WALTERS, } Esqrs

Coll° CORTLANDT sick

The rest out of Town.

An Act for the Incouraging the Brewing of Beer and making of Malt in this province was was produced at this board by his Excellency being Delivered to him by msmbers of the house of Representatives appointed thereunto, and Read the first and second time, and Comitted to the members of his Majesties Councill.

Adjourned till to morrow morning.

At A Councill held at ffort William Henry this 22th *October*, 1700.

PRESENT — *His Excellency* RICHARD *Earle of* BELLOMONT, &c.,

STEPHEN CORTLANDT, ABRAHAM DEPEYSTER, SAMUELL STAATS, } Esqrs

ROBERT LIVINGSTON, ROBERT WALTERS, } Esqrs

A Bill for preventing the Vexations and Oppressions that are or may be occasioned by Arrest of Judgment Superseding Executions, writts of Error and other Chargeable and oppressive proceedings in Law in the Supreme Court of Judicature of this province was layd before this board by his Excellency being delivered to him by members of the house of Representatives appointed thereunto, and was Read the ffirst time

Adjourned till to morrow

At A Councill held at ffort William Henry this 23th *of October*, 1700.

PRESENT — As yesterday.

The Bill for preventing the Vexations and Oppressions that are or may be occasioned by Arrest of Judgment &c Read the second time and Comitted to the whole board

Adjourned till to morrow morning.

At A Councill held at ffort Wm *Henry this* 24th *of October*, 1700.

PRESENT — As yesterday.

A Bill for punishing Officers and Souldiers who shall mutiny or desert his Majties service and to prevent their being harboured and Concealed by the Inhabitants of this province, and to Incourage the seizing and securing such as shall desert his Majesties service for the future, and a Bill for appointing and Enabling Comissioners to Examine take and state the publick Accounts of this province were layd before this board by his Excellency being Delivered to him by members of the house of Representatives appointed for that purpose and read the first and second time, and Comitted to the members of this board now present.

To prevent oppression. A Bill to prevent Oppression was sent up to his Excellency and Councill from the house of Representatives by Jacob Rutsen and Daniell Whitehead Esqrs and read the first and second time, and Comitted to the members of this board.

Collo Stephen Cortlandt Chairman of the Comittee to whome severall Bills were Referred does Report to this honōble board that the Act for preventing Vexations and Oppressions that are or may be occasioned by arrest of Judgment, Superseding Executions, Writts of Error and other Chargable and oppressive proceedings of Law in the Supreme Court of Judicature of this province, wholly conteins matter pointing to the giving directions for the proceedings in the Courts of Law in this province; That they are informed that his most Sacred Majesty hath been so gracious to this province, as to appoint a Chief Justice and an Attorney Generall Gentlemen Educated and Experienced in the Law who are dayly Expected for which reason they are of opinion that this Bill be Deferred untill their arrivall.

That the Act for better payment of the Representatives appeares to this Comittee to be of no more force or validity, than the Act formerly passed for the same purpose, and that the Representatives would not by the passing the said Act be secured of their sallary more than by the former, but they are of opinion that a Bill ought to be brought in for the effectuall securing a dayly sallary of six shillings to each Representative.

That in the Act for Incouraging the Brewing of Beer and making of Malt in this province, page the first line the ffourteenth the word [proclamation] be obliterated, and the word [publication] be Inserted.

That as to the Bill for Declaring the Town of East-chester in the County of Westchester a distinct parish from the Town of Westchester in the County aforesaid, the Comittee desire his Excellency will please to Inspect his Comission and Instructions, to see if nothing therein mentioned is an Infringement of the prerogative Royall.

Which Report being Read was approved of by this board.

Adjourned till to morrow morning.

At a Councill held at ffort William Henry this 25th *October*, 1700.

PRESENT — As yesterday.

Coll° Stephen Cortlandt Chairman of the Comittee to whom the Bill for punishing officers and souldiers who shall mutiny or desert his Majesties service &c does Report to this honōble board That in Line the seaventh page the first between the word [be] and the word [should] these words be Interlined [in his Majesties pay within this province] That in page the second Line the Thirteenth, between the word [Governor] and the word [Comander] Leave out the word [and] and Insert the word [or] That in page the Third Line the second these words [Comander or Governor in Chief] be obliterated and these words [Governor or Cōmander in Chief for the time being] be inserted. That in page the fourth Line the first before the word [Assisting] Insert the word [Advising] That in page the fourth Line the Twentieth between the word [Albany] and the word [and] insert these words [or any other garrison in this province] That in page the ffifth Line the first, between the word [Albany] and the word [as] these words be Inserted [or any other in this province] That in page the ffifth Line the Third, and in page the ffifth Line the Twelfth, these words [capps or other ffurniture] be obliterated and those words [or Accoutrements] be Inserted. That in page the fifth Line the Sixteenth, between the word [province] and the word [Intituled] Insert these words [made in the Eleaventh yeare of his Majesties Reign].

The said Bill together with the amendments being Read the third time is passed, and

Ordered, That Samuell Staats and Robert Walters Esqrs do carry the said Bill together with the Amendments to the house of Representatives for their Assent to the said Amendments.

A Bill for Incouraging of Seamen, together with a Bill for Vvacating and making voyd all such patents as have been lately granted and fraudulently obteined from the late Governor of this province, of diverse quantities of Land on a place called Cowneck &c. was layd before this board by his Excellency being delivered to him by members of the house of Representatives of this province appointed thereunto.

Adjourned till to morrow morning.

At a Councill held at Fort William Henry this 26th *of October* 1700.

PRESENT — As yesterday.

The Bill for punishing officers and Souldiers who shall mutiny or desert his Majesties service &c having been sent to this board from the house of Representatives by persons appointed thereunto, and Delivered to his Excellency with the amendments yesterday sent down therewith agreed to by the said house, were amended accordingly and again read and passed, and his Excellency gave the Assent to the same Enacting it and ordering it to be Enrolled under the seale of the province, and the Exigency of affaires Requiring the same, it was this day published at the City hall of the City of New York.

Adjourned till Munday morning.

28th October 1700. Adjourned till Tuesday morning.

At a Councill held at ffort William Henry, this 29th *October*, 1700.

PRESENT — *His Excellency* RICHARD *Earl of* BELLOMONT, &c.,

STEPHEN CORTLANDT, ABRAHAM DEPEYSTER, SAMUELL STAATS, } Esqrs

ROBERT LIVINGSTON, ROBERT WALTERS, } Esqrs

The Bill for Incouraging Seamen read the ffirst and second time, and Comitted to this board.

The Bill for Incouraging the Brewing of Beer, and making of Malt in this province, was Read the third time together with the Amendments and passed, and

Ordered, that the same be carried down to the house of Representatives for their Assent to the said Amendments.

That part of the Report of the Comittee of the Councill to whom severall Bills were referred made to this board on the four and twentieth Instant Relating to the Bill for declaring the town of Eastchester in the County of Westchester a distinct parish from the Town

of Westchester in the County aforesaid being Read, and his Excellency having Inspected his Instructions and acquainted the board with that part they Desired of him The said Comittee do Report to this board That the following amendments be made in the said Bill vizt That in page the Third Line the flirst Leave out [and] after the word thereof; and put in [do] and in the same Line leave out the words [and settle] In Line the Second before the word [protestant] putt in the word [orthodox].

The said Bill was Read the Third time, together with the Amendments and passed, and ordered the same be carried down to the house of Representatives for their Assent to the said amendments.

Isaac Dereymer, Jacob Rutsen, Daniell Whitehead and Ryer Schermerhoorn Esq^rs from the house of Representatives brought to this Board a Bill for Repealing An Act of Assembly Entituled An Act for the better securing the flive nations of Indians in their flidelity to his majesty, and for a thousand pounds to be raised for the Building of a flort for the security of the said nations of Indians.

Which was read the first and second time, and Comitted to this board.

Adjourned till to morrow.

At a Councill held at ffort William Henry, this 30th *of October,* 1700.

PRESENT — As yesterday.

Coll^o Stephen Cortlandt Chairman of the Comittee to whom the Consideration of severall Bills were Comitted does Report to this hono^ble Board That in the Bill for Repealing An Act of Assembly Intituled An Act for the Better Securing the flive nations of Indians in their flidelity to his majesty &c In the Title thereof Line the Third these words [one thousand pounds to be raised] be obliterated, and these words [granting unto his Majesty the sume of one thousand pounds] be Inserted. And that in Line the fourth Between the word [the] and [nations] Insert the word [flive] That in page the first Line the fourth these words [of the same] be obliterated, and the word [thereof] be Inserted. That in page the first Line the flifth Between the word [Act] and the word [Intituled] Insert these words [made in this present yeare of his majesties Reigne] and that in the end of the seaventh Line these words [for the same] be obliterated. That in page the Third Line the ninth make [Residenters] [Residents] That in page the sixth Line the Third and fourth these words be obliterated [who are hereby Impowered and authorized]. That in page the Eighth Line the fourth these words be obliterated [who are hereby Required and Impowered to do the same] That in page the Eighth Lines the Sixteenth and seaventeenth these words be obliterated [shall be neglected or refused to be payd] That in page the Eighth Line the Twentieth between the word [Required] and the word [for] Insert these words [and Impowered] That in page the ninth Line the first between the word [pay] and the word [his] Insert the word [on] That in page the ninth Line the ffourteenth between the word [Constable] and the word [any] take away the word [or] and Insert the word [and] That in page the tenth Line the ninth make the word [and] [or] That these words be Inserted in the end of the Bill [and that in case of the death or other disability of the managers for building the said flort, that the Governor or Comander in Chief of the said province for the time being do nominate and appoint another or other fitt person or persons in the Room or Stead of him or them so dying or being otherwise disabled as aforesaid].

That in the Bill Intituled an Act for appointing and Enabling Comissioners to Examine take and state the publick Accounts of this province, page the Third, Line the Eighth after the word [Accounts] Insert the following words [of all Imbezillments and Concealments of Goods and moneys seized and forfieted to the Kings Majtie by any penall Law or Statute] That in page the Second Line the Eleaventh after the word [his] Insert the word [present] That in page the third, Line the last after the word [money] Insert the following words [and also all persons suspected to have been any wayes Concerned in the Imbezilling or concealing any goods or moneys seized or forfieted to the Kings Majesty by any penall Law or Statute as aforesaid] That in page the Second, Line the last after the word [being] Leave out the words [ordering them] That in page the Sixth, Line the last between the word [Twelfth] and the word [of] Insert the word [yeare]

The said Two Bills being Read the Third time Together with the Amendments are passed. and ordered that the same be sent down to the house of Representatives for their Assent to the said Amendments and Samuell Staats and Robert Walters Esq^rs are hereby desired to carry the same.

Coll^o Stephen Cortlandt Chairman of the Comittee to whom severall Bills were referred does Report to this honoble Board that the Bill for Incouraging of Seamen do passe without any Amendment, and that the Bill to prevent oppression be referred to further Consideration.

The Bill for the Incouraging of Seamen Read the Third time and passed.

The Bill for Incouraging the Brewing of Beer and making of Malt within this province, and the Bill for declaring the Town of East-Chester in the County of Westchester a distinct parish from the Town of Westchester in the County aforesaid having been sent to this board by the house of Representatives by persons appointed thereunto and Delivered to his Excelleney with the Amendments sent down therewith agreed to by the said house and amended accordingly was again Read and passed.

Adjourned till to morrow morning

31th October 1700 Adjourned till to morrow morning.

At a Councill held at ffort William Henry this first November, 1700.

PRESENT — *His Excellency* RICHARD *Earl of* BELLOMONT, &c.,

STEPHEN CORTLANDT, ABRAHAM DEPEYSTER, SAMUELL STAATS, } Esqrs

ROBERT LIVINGSTON, ROBERT WALTERS, } Esqrs

His Excellency Layd before this board a Bill for Confirmation of a Certain Agreement made by Thomas Swartwout and Company of the one part, and Gerrit Aertsen and Company of the other part, and also a Bill for the Settling and mending the highways and by wayes in the County of Ulster which were delivered to him by members of the house of Representatives appointed thereunto.

His Excellency also produced to this board the Bill for Repealing an Act of Assembly Intituled an Act for the Better securing the ffive nations of Indians in their ffidelity to his majesty &c and the Bill for appointing and Enabling Comissioners to Examine take and state publick Accounts of this province, which were sent with severall amendments from this board to the house of Representatives on the Thirtieth day of October last, and they having agreed to severall of the sd amendments the said Bills were amended accordingly and again Read and passed.

Adjourned till to morrow

At a Councill held at ffort William Henry this second day of November, 1700.

PRESENT — As yesterday.

His Excellency ordered the Clerk of the Councill to acquaint the house of Representatives that he desired their attendance Imediately.

The house of Representatives being present his Excellency signed the following Bills Enacting them and ordering them to be Enrolled under the seale of the province (vizt)

1st An Act for Incouraging the Brewing of Beer and making of Malt in this province.

2d An Act Declaring the Town of East Chester in the County of Westchester a distinct parish from the Town of Westchester in the County aforesd.

3d An Act for appointing and Enabling Comissioners to Examine take and state the Publick Accounts of this province.

4th An Act for Repealing An Act of Assembly Intituled An Act for the better securing the ffive Nations of Indians in their ffidelity to his Majesty and for granting unto his Majtie the sume of one thousand pounds for the Building a ffort for the security of the ffive Nations of Indians.

5th An Act for the Incouraging of Seamen.

Then his Excellency told them that there were severall other Bills sent up from them to this board, but they mostly conteining matter of property or the Courts of Law in this province, his Excellency and Councill thought it adviseable not to Intermeddle with the same, in Regard that he hath Received advise that his Majtie for the good and wellfare of this province hath appointed a Chief Justice and Attorney Generall, men of study, knowledge and Experience in the Law, who are now dayly Expected by whose advice and Assistance he hopes measures will be taken that every persons property may be effectually secured to him and that the Courts of Judicature will be Established for the ease and benefitt of the Subject Inhabitants here.

Then his Excellency prorogued the Assembly untill the ffirst Wednesday in Aprill next, and they are hereby prorogued accordingly.

And the Gentlemen of the Councill and Severall of the members of the house of Representatives agreed to meet at the City hall, and publish the Acts now passed, on Munday morning next, which were then and there published accordingly.

[New York Col. MSS. XLIV., 131]

By The Honourable

John Nanfan Esq, His Majesties Lieut. Governour and Commander in Chief in and over the Province of *New York*, and Territories depending thereon in *America*, and Vice Admiral of the same.

A PROCLAMATION

WHEREAS it hath pleased Almighty God, in the time of my absence from this Province, to take unto himself, the really Noble Lord *Richard* Earl of *Bellomont*, late Capt General and Governour in Chief thereof; and that the time to which the Generall Assembly was by his said Excellency last Prorogued, did happen after the Death of his said Excellency, and before my Return again, by which means warm Debates did arise, and some Mis-understandings happen about the *Right* of Administration of Government, and particularly in the House of Representatives, concerning the Legality of their sitting since the late Earl of *Bellomont's* Decease. I being desirous to put an end to all Differences and Mis-understanding amongst his Majesties Subjects, the Inhabitants of this Province, and that for the future they may be firmly united in his Majesties Interest and Service, as well as their own good and Wellfair, have therefore thought fit, and I do by these Presents Declare the Assembly of this Province Dissolved, and the General Assembly of this Province is hereby Dissolved accordingly.

Given at Fort William Henry *in* New-York *this first Day of* June 1701, *and in the Thirteenth Year of his Majesties Reign.*

John Nanfan.

God save the KING.

[In Executive Session.]

1*st June*, 1701.

Ordered, that the Secretary do prepare Writts for the Election of a Generall Assembly of this Province to meet and sitt on the first Tuesday in August next Ensueing: That the said writts be pursuant to the Act of Assembly Intituled, An Act for Regulating Elections of Representatives in Generall Assembly in each Respective City and County Within this province.

EIGHTH ASSEMBLY FIRST SESSIONS.

At a Councill held at ffort William Henry this nineteenth day of August, 1701.

PRESENT — *The Honoble* JOHN NANFAN, *Esq*r, &c.,

PETER SCHUYLER, ABRA: DEPEYSTER, SAMUELL STAATS, ROBERT LIVINGSTON, } Esqrs

ROBERT WALTERS, THOMAS WEAVER, WILLIAM ATWOOD, } Esqrs

The Clark of the Assembly Informed this board that the Representatives of the severall counties in this province were all mett Except one only of the Members of Queens County, who is hourly Expected.

Whereupon his honor the Governor appointed William Atwood Esqr Chief Justice of the province, together with Collo Abraham Depeyster and Robert Livingston Esqrs to administer the oaths appointed by act of parliament to be taken instead of the oaths of Allegiance and Supremacy to the said Representatives, and to cause them to subscribe the Test and Association, and gave unto them a Dedimus potestatem under the seale of the province for that purpose.

Post Meridiem

PRESENTIBUS — *Eisdem*

The Gentlemen of the Councill appointed by a writt of Dedimus potestatem to administer the oaths appointed by act of parliament to be taken instead of the oathes of Allegiance and Supremacy to the members of the house of Representatives of this province and to cause them to subscribe the Test and association having returned the said writt duly executed by them It is

Ordered, that the Clark of the Councill do wait on the house of Representatives and acquaint them that the Governor in Councill desires their Imediate attendance, which being done, and the house of Representatives being present before this board, the Governor desired them to repair to their house and proceed to the Election of a speaker, and then to return and attend him with their Speaker.

The house of Representatives being Returned they presented Abraham Gouverneur Esqr their Speaker to the Governor and desired his honors approbation.

The Speaker made a modest apology.

The Governor Confirmed their choice.

Then the Speaker acquainted the Governor that by order of the house of Representatives, he demanded their former rights and priviledges vizt

That they may have ffreedom of accesse to his honors person when occasion Requires.

That they may have Liberty of Speech, and a favourable Construction upon the debates which may arise amongst them.

That in all misunderstandings which may arise between the Councill and this house upon any Subject matter, which shall be concluded by them, that in such case a Comittee of the Councill may be appointed to Conferr with a Comittee of this house, for the adjusting and reconciling all such differrences, and that these their requests may be approved by his honor in Councill and entered in the Councill books accordingly.

Then the Governor sayd as followeth vizt.

Gentlemen,

As I am Impowered by his Majesty by the Consent of the Councill and you the Representatives, to provide for the publick peace welfare and good goverment, and for the benefitt of his majesty his heires and Successors; for these ends have I now called you together, to which I am and shall be ready to Contribute all that lies in my power, and hope I shall meet with the like disposition in you

I cannot but take it as a præsage of the future success of my Endeavours for the good of this province, that at this time, when the danger of warr makes it requisite to be well assured of the ffidelity of our ffive nations of Indians, they have not only repeated their assurances in such a manner as has been sacred among 'em but Conveyed to the Crown of England a vast Tract of Land of great consequence for preventing their necessity of Submitting to the neighbouring power

His Majesty who is a most Indulgent ffather to his people has manifested a particular care over you; besides the Constant Charge of the additionall forces, he has out of his own Exchequer supply'd two thousand five hundred pounds sterling for fforts, and Eight hundred pounds in Seasonable gifts to the Indians and for the better administration of Justice among you, has settled three hundred pounds a year upon a Chief Justice and one hundred and fifty upon an Attorney Generall, all which are of that Importance to you, that so much money may well be thought spared out of your purses.

I perswade my self I need not press this as a motive for your continuing the Act Intituled An Act for raising an additionall duty for the defraying the debts of the goverment, which Expired in May last, and it may deserve your Consideration whether the last Act for granting his Majesty severall duties for defraying the publick Charge of the Goverment, wants not some Amendments to make it more effectuall. You cannot but know that your own Interests and preservation are nearly concerned in the Support of the Goverment.

This I hope may prevaile with you to lay aside all heats and Animosities and to proceed unanimously to those things that may tend to the security and happinesse of this province

I should think that every man should be sensible that unity and unanimity is at this time more necessary than it has ever been since your being under the protection of the Crown of England.

As I can answer for the sincerity of my own Intentions I doubt not but you will find a Concurrence in the Councill, and I hope we shall every one strive who shall excell in Zeale for the good of this province and the service of his Majesty King William whom God long preserve to Reign over us.

Then the Representatives withdrew

At a Councill held at ffort William Henry this two and twentieth day of August, 1701.

PRESENT — *The Honoble* JOHN NANFAN Esqr, &c.,

WILLIAM SMITH, PETER SCHUYLER, ABRAHAM DEPEYSTER, SAMUELL STAATS, } Esq^rs

ROBERT WALTERS, THOMAS WEAVER, WILLIAM ATWOOD, } Esq^rs

Cornelius Sebering and Thomas Morgan Esq^rs from the Assembly desired the Governor in Councill to cause the oaths appointed by act of parliament to be taken instead of the oaths of Allegiance and Supremacy to be administered to Ryer Schermerhoorn Esqr and to see him subscribe the Test and Association, which was done before this board.

A t a Councill held at ffort William Henry this six and twentieth day of August, 1701.

PRESENT — *The Honoble* JOHN NANFAN Esqr, &c.,

ABRAHAM DEPEYSTER, SAMUELL STAATS, ROBERT LIVINGSTON, } Esq^rs

ROBERT WALTERS, THOMAS WEAVER, WILLIAM ATWOOD, } Esq^rs

David Provoost and Arian Gerritse Esq^rs from the Assembly desired that the oaths appointed by act of parliament to be taken instead of the oaths of Allegiance and Supremacy may be administered to Henry ffowler Esqr and that the said ffowler may subscribe the Test and Association before this board to qualify him to sitt and act as a Representatives in the Generall Assembly which was done accordingly.

Ordered, that the Clark of the Councill do acquaint the house of Representatives that this board do believe it necessary for his Majties Service, that the public accounts of the Customs and Revenue of this province kept by Coll° Stephen Courtlandt late one of the Comissioners for managing the office of Collector and Receiver Generall should be imediately stated and adjusted, and do desire that in case the Comissioners appointed by Act of Generall Assembly to Examine take and state the publick accounts of this province have not made their Report to the house of Representatives pursuant to the said act, that the said house would order them to do the same forthwith.

And this board do also desire that the said house would forthwith apply themselves to the Consideracōn of the Imediate defence of the ffrontiers of this province.

At a Councill held at ffort William Henry this nine and twentieth day of August, 1701.

PRESENT — *The Honoble* JOHN NANFAN *Esq*r, &c.,

ABRAHAM DEPEYSTER, SAMUELL STAATS, } Esqrs — ROBERT WALTERS, WILLIAM ATWOOD, } Esqrs

The Governor acquainted the Councill that some of the members of the house of Representative of this province had by order of the said house desired his honor to appoint a Comittee of the Council to manage a Conferrence with a Comittee of the house of Representatives on the Subject matter of the publick accounts, and particularly to what Relates to Mr Livingston, together with the time and place where the said Comittees shall meet and sitt. And thereupon appointed Colle Abraham Depeyster, Samuell Staats, Robert Walters and William Atwood Esqrs a Comittee of the Council to meet a Comittee of the house of Representatives on the matters aforesaid at the house of Mr Roger Baker at three of the Clock in the afternoone.

At a Councill held at ffort William Henry this thirtieth day of August, 1701.

PRESENT — *The Honoble* JOHN NANFAN, *Esq*r, &c.,

ABRAHAM DEPEYSTER, SAMUELL STAATS, ROBERT LIVINGSTON, } Esqrs — ROBERT WALTERS, THOMAS WEAVER, WILLIAM ATWOOD, } Esqrs

William Atwood Esqr Chairman of the Comittee of the Councill yesterday appointed to conferr with a Comittee of the Assembly Reports to this honōble board. That the Comissioners appointed by an act of Generall Assembly of this province to Examine take and state the publick accounts, had in pursuance of an order of the house of Representatives attended the said Comittees and Informed them that Robert Livingston Esqr who appeares to have recēd great sumes of the publick money hath absolutely refused to account before them for the same thô duly required thereunto

That thereupon 'tis the opinion of these Comittees That it is of great consequence that an Act should passe to confiscate his Reall and personall Estate for soe much debt to the Crown as he can be charged with by the said Comissioners unlesse he forthwith account before them by such a day as the house of Representatives shall think fitt, and that if such a Bill be ordered to be brought in notice be Imediately given to the said Livingston that he may offerr such reasons as he can against the same.

At a Councill held at ffort William Henry this fourth day of September, 1701.

PRESENT — *The Honoble* JOHN NANFAN, *Esq*r, &c.,

ABRAHAM DEPEYSTER, SAMUELL STAATS, ROBERT WALTERS, } Esqrs — THOMAS WEAVER, WILLIAM ATWOOD, } Esqrs

Ordered, that pursuant to the desire of the house of Representatives the Gentlemen of the Councill now present do meet the Comittee of the said house at the house of Mr Gabriell Tompson in this City at three of the Clock this afternoone to Conferr about the Imediate Defence of the ffrontiers of this province, as also about the publick accounts kept by Colle Stephen Cortlandt late Comissioner of the Custums and Revenue here.

At a Councill held at ffort William Henry this ninth day of September, 1701.

PRESENT — As on the fourth instant.

William Atwood Esqr Chairman of the Comittee of Councill appointed on the fourth instant to conferr with a Comittee of the house of Representatives Reports to this honōble Board That It is the opinion of the said Comittees that a Bill be prepared and layd before the house of Representatives for the applying a sume not exceeding out of the ffifteen hundred pounds raised by two severall acts of Assembly of this province for the Building a ffort

at Onnondage, for the putting such part of the ffrontiers of this province into an Imediate posture of Defence as the said house shall think fitt, the said sume to be putt into the hands of such comissioners as the house of Representatives shall appoint for that purpose who shall account for the same to the said house the said money to be Repayd when it shall be thought fitt to proceed to the building the said ffort for which sume the Creditt of the Assembly shall be engaged.

It is also the opinion of these Comittees that Gertrude the Relict and Executrix of Coll° Stephen Cortlandt &c be sumoned before the house of Representatives, and ordered by them to pay unto the Collecter and Receiver Generall of this province the sume of ffive hundred thirty eight pounds raised by act of Generall Assembly of this province and appropriated for the building the ffort at Onnondage within such time as the said house shall think fitt, or otherwise that the said house do order a Bill to be prepared and layd before them for the effectuall enforceing the speedy payment thereof as aforesaid.

The Governor produced at the Board

A Bill for Regulating the ffences in the County of Ulster.

A Bill for Incouraging the City of New York, and

A Bill for confirmation of a certain agreement made by Thomas Swartwout and Company of the one part and Gerrit Aertsen and Company of the other part; the same being Delivered unto him by a Comittee of the house of Representatives appointed thereunto which were read the first time.

At A Councill held at ffort William Henry this Eleaventh day of September, 1701.

PRESENT — *The Honóble* JOHN NANFAN, *Esqr*, *&c.*,

ABRAHAM DEPEYSTER, ROBERT WALTERS, } Esq^rs — THOMAS WEAVER, WILLIAM ATWOOD, } Esq^rs

David Provoost and Garrit Vechte Esq^rs from the Assembly Delivered to this board a Bill for enabling the City and County of New York to defray their necessary charge, as also a minute of the house of Representatives wherein they desire that the Governor will please to appoint a Comittee of the Councill to Conferr with a Comittee of the Assembly upon that part of the conferrence his honor the Governor had with the ffive nations of Indians at Albany relating to the Indians Desiring Mr Livingston may be sent for England. Whereupon the Governor ordered the Councill or any three of them to be a Comittee to meet the Comittee of the Assembly on that matter at the house of Gabriell Tompson at three of the Clock this afternoon

The Bill for Regulating the fences in Ulster County and the Bill for Confirming the agreement made by Thomas Swartwout and Company of the one part and Gerrit Aertsen and Company on the other part were Read the Second time and Comitted to Abraham Depeyster, Samuell Staats, Robert Walters, Thomas Weaver and William Atwood Esq^rs

At A Councill held at ffort William Henry this thirteenth day of September, 1701.

PRESENT — *The Honoble* JOHN NANFAN, *Esqr*, *&c.*,

ABRAHAM DEPEYSTER, SAMUELL STAATS, } Esq^rs — THOMAS WEAVER, WILLIAM ATWOOD, } Esq^rs

The Governor produced at the board the following Bills which were delivered to him by members of the house of Representatives appointed thereunto vizt.

An Act for the destroying of Wolves in the County of Ulster and Westchester.

An Act for the more Regular proceedings in the Election of Representatives for the severall Cities and Counties within this province.

An Act for allowance to the Representatives and An Act for repealing An Act of Assembly of this province Intituled An Act for defraying the publick and necessary Charge throughout this province for maintaining the poor and preventing Vagabonds, and for the appointing a more effectuall meanes for defraying the publick and necessary Charge in each City and County and for maintaining the poor and preventing Vagabonds. Which sayd four Bills were read the first time.

Thomas Morgan and Ryer Schermerhoorn Esq^rs from the house of Representatives desired that Thomas Willet, John Tolman and William Willet might take the oaths appointed by act of parliament to be taken instead of the oaths of Allegiance and Supremacy and Subscribe the Test and Association to qualify them to sitt and act as members of the Assembly which was administered to them and subscribed by them accordingly.

William Atwood Esqr Chairman of the Comittee of Councill appointed on the Eleaventh Instant to Conferr with a Comittee of the Assembly about that part of the Conferrence the Governor had at Albany with the five nations of Indians, relating to the Indians Desiring Mr Livingston might go to England Reports as followeth vizt That the said Comittee being mett they sent to acquaint the said Mr Livingston that they were now proceeding on matters Relating to his managment of the treaties with the ffive nations of Indians, and that he might be present if he thought fitt; That the said Mr Livingston coming before the said Comittees was acquainted that on perusall of those parts of the propositions made to the Governor by the ffive Nations of Indians at Albany the house of Representatives had been Inclined to believe that the said Indians either by the said Mr Livingston or by some other Imployed by him, or with his privity had been prevailed on and Influenced to Expresse a desire that he should be sent to Sollicite their affaires in England, and was asked if he thought it not proper for him to take a voluntary oath before some person authorized to administer the same in order to clear himself from censure therein but that the said Mr Livingston answered that he thought it not worth his while to do the same. That thereupon both the said Comittees unanimously agreed that the said matter ought to be specially Reported to the house of Representatives by the Comittee of the said house.

At a Councill held at ffort William Henry, this Sixteenth day of September, 1701.

PRESENT — *The Honoble* JOHN NANFAN, Esqr, &c.,

ABRAHAM DEPEYSTER, SAMUELL STAATS, ROBERT LIVINGSTON, } Esq^rs

ROBERT WALTERS, THOMAS WEAVER, WILLIAM ATWOOD, } Esq^rs

The Governor produced at the board a Bill for the Settling and amending the highwayes and Roads in the County of Ulster.

An Act to Inforce the owners and possessers of unimproved Lands in the Counties of Albany Westchester Richmond and Orange to pay their proportion of their Quitt rents and taxes raised for the Support of the Goverment, and other County charge, and

An Act for granting unto the City and County of New York Kings County, Richmond County, the County of Orange, and the County of Westchester equall priviledges with the other Cities and Counties in this province for the probate of Wills, and granting Letters of Administration the same being Delivered to him by members of the house of Representatives appointed thereunto. Which were read the first time.

The Speaker attended by the house of Representatives presented the Governor in Councill two severall addresses, which he read, the one Relating to his honors managment of the ffive nations of Indians in his late Expedition to Albany, and the other relating to Robert Livingston Esqr which were ordered to be entered in the Councill Book and follow in *hæc verba*.

To the honō^ble JOHN NANFAN Esqr Lieutenant Governor and Comander in Chief of the province of New York &c.,

The humble ADDRESSE of the house of Representatives of the said province in Generall Assembly Conveen'd

May it please yor honor.

Wee the Representatives of this his Majesties province out of a deep sense we have of the great services your honor did to this province in your last negotiations with the ffive nations of Indians at Albany in yor last Conferrence with them Do in behalf of our selves and all the Inhabitants of this province Congratulate your honors successe of the same and do render you our most hearty and unfeigned thanks for your care prudence and wise managment therein, and humbly pray that for the future no person may be Imployed to Interpret the Conferrences of the said ffive nations but the sworn Interpreter Lawrence Claesen when he is to be had. So wishing your honor all Imaginable prosperity in this his Majesties Goverment

Wee are

Your freinds the Representatives in Generall Assembly Conveen'd

By order of the house of Representatives,

ABRAH: GOUVERNEUR, Speaker.

Die Saturn.

13 Septembris, 1701.

To the honō^ble^ JOHN NANFAN Esqr Lieut Governor and Comander in Chief of the province of New York, &c.,

The humble ADDRESSE of the house of Representatives of the said province in Generall Assembly Conveened.

May it please yor honor

Wee the Representatives of this his Majesties province being highly sensible of your honors prudent Conduct in your late management with the ffive nations at Albany Yett humbly begg leave to Remonstrate to your honor that some persons Disaffected to the peace of this Goverment have Instigated and deluded the said nations to Desire the going over of Mr Robert Livingston for England as their agent the which being maturely Considered by this house, and they finding that Mr Livingston at the last Conference with the Councill did refuse to give the Reasonable Satisfaccōn in that matter then of him desired, the said house is therefore of opinion that the said passages relating to the said Indians desire of sending Mr Livingston for England has been procured by the said Livingston or his agents with his privity and Consent contrary to the duty and Allegiance he owes to his majesty and the peace of this Goverment.

Wee therefore humbly move your honor to lay these our Requests before his Majesty that his Majesty would be graciously pleased to remove the said Levingston from the office of Secretary of the Indian Affaires, and that in the mean while he might be by yor honor Suspended from the same untill his Majesties pleasure shall be known.

Wee are

Your friends the Representatives in Generall Assembly Conveened.

By order of the house of Representatives.

ABRAH: GOUVERNEUR, Speaker.

Die Saturn.

13th Septembris, 1701.

The Governor answered that what he had done in that affair of the Indians was but his duty, that he thank'd them for their kind Interpretation of his management therein, and that he should allwayes make it his chief study to promote his Majties service as much as possible, as well in that as in all other things during his continuance amongst them.

Whereon they withdrew.

At a Councill held at ffort William Henry this Eighteenth day of September, 1701

PRESENT — *The Honoble* JOHN NANFAN, *Esqr*, &c.,

ABRAHAM DEPEYSTER, SAM^ll^ STAATS, } Esq^rs^ ROBERT WALTERS, WILLIAM ATWOOD, } Esq^rs^

John Depeyster and David Provoost Esq^rs^ from the Assembly Desired that John Johnson Bleeker, Hendrick Hansen and Andries Coeyman Esq^rs^ Representatives Elected from the City and County of Albany may take the oaths appointed by Act of parliament to be taken instead of the oaths of Allegiance and Supremacy and subscribe the Test and Association before this board, in order to Qualify them to sitt and act, which was ordered and done accordingly.

At a Councill held at ffort William Henry this two and twentieth day of September, 1701.

PRESENT — *The Honoble* JOHN NANFAN, *Esqr*, &c.,

ABRAHAM DEPEYSTER, SAMUELL STAATS, ROBERT LIVINGSTON, } Esq^rs^ ROBERT WALTERS, THOMAS WEAVER, WILLIAM ATWOOD, } Esq^rs^

The Act for Incouraging the City of New York.

The Act for Repealing the Act of Assembly for defraying the publick charge &c and for the appointing a more effectuall meanes for Defraying the publick and necessary charge &c.

The Act to Inforce the owners and possessors of unimproved Lands in the Counties of Albany Westchester Richmond and Orange to pay the proportion of their Quitt rents &c.

The Act for the more Regular proceeding in the Election of Representatives &c.

The Act for Settling and amending the highwayes and Roads in the County of Ulster.

An Act for allowance to the Representatives, and An Act for the destroying of wolves in the County of Ulster and Westchester were this day read the second time and Comitted to

the members of this board now present or any four of them, whereof Wm Atwood Esqr to be one.

The Governor produced at the Board An Act to oblige Robert Livingston Esqr to account according to the purport of An Act Entituled An Act for appointing and enabling Comissioners to take and state the public accounts of this province the same being Delivered to him by members of the house of Representatives appointed thereunto Which was read the first time.

At a Councill held at ffort William Henry this five and twentieth day of September, 1701.

PRESENT — As on the two and twentieth Instant.

William Atwood Esqr Chief Justice of this province and Chairman of the Comittee of the Councill to whom severall Bills were referred on the Eleaventh and two and twentieth Instant does Report to this honoble Board, that the said Comittee have made severall amendments to the said Bills, which were produced and read, and the Clark of the Councill ordered to carry the same to the house of Representatives.

Ordered, that the members of this board be a Comittee of the Councill to meet the Comittee of the Assembly at the house of Mr Gabriell Tompson at three of the Clock this afternoon to conferr about the method and the wayes and meanes of putting the frontier Garrisons into a posture of Defence this winter.

At a Councill held at ffort William Henry this nine and twentieth day of September, 1701.

PRESENT — *The Honoble* JOHN NANFAN, *Esqr*, &c.,

ABRAHAM DEPEYSTER, SAMUELL STAATS, ROBERT LIVINGSTON, } Esqrs

ROBERT WALTERS, THOMAS WEAVER, } Esqrs

Ordered, that the members of this board or any three of them be a Comittee of the Councill to meet a Comittee of the Assembly at the house of Gabriell Tompson at three of the Clock this afternoon to conferr about the amendments made by this board to severall bills, and sent to the house of Representatives on the five and twentieth instant, as also to Consider further about the speedy putting the frontier garrisons into a posture of Defence.

At a Councill held at ffort William Henry this Second day of October, 1701.

PRESENT — *The Honoble* JOHN NANFAN, *Esqr*, &c.,

ABRAHAM DEPEYSTER, SAMUELL STAATS, ROBERT LIVINGSTON, } Esqrs

ROBERT WALTERS, THOMAS WEAVER, WILLIAM ATWOOD, } Esqrs

Ordered, that Mr David Jamison do appear before this board on Munday next at three of the Clock afternoon and then and there offer his reasons against the passing the Bill for Confirming the agreement made between Thomas Swartwout and Company of the one part, and Garrit Aertsen & Company of the other part.

At a Councill held at ffort William Henry this fourth day of October, 1701.

PRESENT — *The Honoble* JOHN NANFAN, *Esqr*, &c.,

SAMUELL STAATS, ROBERT WALTERS, } Esqrs

THOMAS WEAVER, WILLIAM ATWOOD, } Esqrs

Hendrick Hansen and Andries Coeyman Esqrs from the Assembly Desire a Comittee of the Councill may meet a Comittee of the said house to conferr further about the amendments made by this board to severall Bills sent from the Assembly.

Ordered, that the said Comittee do meet at three of the Clock this afternoon at the house of Mr Gabriell Tompson.

The Act to oblige Robert Livingston Esqr to account &c read the second time and comitted to the members of this board now present of which the Chief Justice to be one, and the honoble the Governor doth Recomend to the said Comittee this amendment [That Mr Livingston have time till the five and twentieth of March next to account according to the purport of the said act.

At a Councill held at ffort William Henry this sixth day of October, 1701.

PRESENT — *The Honoble* JOHN NANFAN, *Esqr*, &c.,

ABRAHAM DEPEYSTER, SAMUELL STAATS, ROBERT WALTERS, } Esq^rs

THOMAS WEAVER, WILLIAM ATWOOD, } Esq^rs

Mr David Jamison in pursuance of an order of the second Instant this day layd before the board i is reasons in writing against passing the Bill for Confirming the agreement made between Thomas Swartwout and Company of the one part, and Gerrit Aertsen and Company on the other part which was read and ordered to be entered verbatim and follows in *hæc verba.*

To the Hono^ble JOHN NANFAN Esqr Governor and Comander in Chief of the Province of New York &c and the honoble the Councill.

REASONS humbly offerred by David Jamison one of the partners of Thomas Swartwout and Company against the passing of a Bill Intituled, An Act for Confirmation of a Certain agreement made by Thomas Swartwout and Company of the one part and Gerryt Aertsen and Company of the other part.

This humble Supplicant saving to himself and his other partners their further and other objections against the said Bill and praying a favourable Construction of what he shall offerr to his honor the Governor and Councill against the passing of this Bill saith,

First, That it is a private Bill and Concerns the property of sundry of his Majesties leidge Subjects; is said to be fram'd to prevent a Likelihood to occasion differrences and suites at Law between the parties only, and therefore he conceives it ought to be desired by both parties or considered with due deliberation not precipitantly but the other party interested heard before the Assembly at least sumoned, before leave is granted for the bringing in of such a Bill, and the petitioner was never sumoned nor has Consented

Secondly, on Thursday night last being the Second of October instant this humble supplicant did attend to make some motion in Chancery when a motion was made for the passing of this Bill, when the honoble William Atwood Esqr Chief Justice of this province was pleased to tell this supplicant that the Bill mentioned was a Bill wherein he was Informed that this supplicant had some Interest and that time was given till Munday next the sixth Instant for Swartwout and Company to bring their objections into Councill against the passing the said Bill to which this supplicant (being Surprized) did desire a Sight of the Bill which was ordered accordingly. And the other partners to this Supplicant being each equally Interessed are some of them Inhabitants at Waghaghkemeck about one hundred and fifty miles distant from New York against which time there is no possibility for this Supplicant to give them the notice of this order in Councill

Thirdly, It does not appear by the votes of Assembly that any petition was given in praying liberty to bring in this private Bill nor any order of Sumons. And this Supplicant has reason to believe that said Swartwout and Company were never served with any sumons to attend this Assembly on that behalf whereby they might have liberty to defend their rights or undeceive the members of that house where things may possibly have been falsely alleaged or suggested which he humbly conceived disagreeable to the Rules of parliament and practise of former assemblyes of this province.

Fourthly Coll^o Jacob Ratsen a member of this present Assembly is one of the partners of the said Aertsen and Company, and it does not appear by the votes that the rest of the Assembly were appraized thereof, and that he was ever ordered to withdraw at the time of Reading and passing this Bill. This Supplicant does not pretend to be acquainted with all the rules of parliament, but humbly Conceives it Incongruous and disagreeable to naturall Justice for a man to vote in his own cause.

Fifthly, this Supplicant does believe that it has been falsly Suggested that ever Coll^o ffletcher did Recomend it to both parties to Joyn their grants, forasmuch as it is to be seen upon Record that Aertsen and Company fell under the displeasure and censure of the Governor and Councill for their Illegall proceedings in endeavouring to deprive or retard the other Company from reaping the Benefitt of that grant.

Councill Book May 14th and May 28th } 1696

Sixthly, That the purchasing of Land from the Indians in this province is a convenient but not a necessary qualification to a good title from the King, and many patents there are and Considerable tracts of Land granted where there never was an Indian purchase.

See Letters patents for the Goverment

Seaventhly That the grant they had of Waghaghkemeck was moderate postive and Certain, and the just reward of the diligence and Industry of Swartwout and Company who were the first discoverers thereof at their great pains and Charge, and had the first and eldest grant.

Eighthly That some person who afterwards became one of Aertsens Company did promise a Considerable reward to retard the perfecting of Swartwout and Company their title by patent in the Secretaries office, untill the time of their grant should be out, promising at the same time to keep the Indians from giving them a deed in all that time in order to gett the grant thereof thereupon renewed to themselves which was rejected; Whereupon Aertsens Company was formed and application made for a grant of Two hundred acres vacant Land each to Twenty people in the great and little Minissinck Country, which is of vast Extent and Comprehends in it the Waghaghkemick at which time some of them who sollicited the taking out of this grant did declare that it was not the same land with Waghaghkemeck, and notwithstanding there are many thousands of acres of vacant land in the great and little Minissinck there are many Depositions and evidences against the said Aertsens and Company for obstructing the said Swartwout and Company to hinder their progresse and settlement, and it has not yett appeared that ever they have gone about by virtue of their grant to purchase any other Land than that which was granted to Swartwout and Company.

Ninthly, Sometime before and near the Expiration of the said Limittation of time for perfecting their title some of the Company of Swartwout brought down a Copy of an Indian deed to New York for some Land near Waghaghkemeck, wherein part of their Land as is sayd is Included and Comprehending other Land which is not in their grant, which deed was made to both Companies, and did aeknowledge that some of the Company being tired out with the secret practices and disturbances given by the other Company did come to a verball agreement to purchase the Land in both grants in Company, but that they never signed nor Sealed any Instrument for the same, and that it was a meer farce upon them, and the time of their License allmost Elapsed when they putt in the Copy of said deed to the Councill, and Desired the same might be recorded which was done accordingly.

Tenthly, That they made application to the Governor and Councill for a patent for the land granted them, and the Governor and Councill being well apprised of the right of the said Swartwout and Company and the unjust and fraudulent practizes of the other Company did order their Patent for their quantity of Land formerly granted them before the Expiration of the time Limitted for the doing thereof although they knew the purchase was made in Company.

Minute of Councill October 14th 1697.

Eleaventhly, That the patent of the said Swartwout and Company has all the Legall Sanctions Required by his Majesties Letters patents for the making of a good title from the King.

Twelfthly, That the said Swartwout and Company are still and ever were ready to pay and Satisfie the Indian Consideration for what part of their patented Land is in the said purchase or to any other who have advanced the same, and purchased in their own wrong.

13thly The Laws of England have Sufficiently Explained what a bargain for Land is and gives Sufficient remedy for breach of Contract or Covenant

14thly The said Supplicant humbly offerrs for reason against the passing of said Bill that this Aertsen and Company never did apply for a patent pursuant to their said grant, so that their License being Expired by its own Limitation is voyd nor can they thereby have any Land to be divided amongst the Company of Swartwout; And it were Contrary to Equity and the Intent of that Suposed agreement that they should partake of the Land of Swartwout and Company, and the said Swartwout and Company have no share or benefitt by their grant.

15thly Because this Bill conteins in it a Salvo to one William Tietsoort or his heires of Land within the said patent which the native Indians have given and conveyed to him, when this supplicant beleives it can be proved that this grant and Conveyance is all made to him by the Indians since the said Land was possessed and enjoyed by the said patentees and not before. And the passing of such a Bill with such Clause the Supplicant humbly Conceives (with deference to better opinions) will be a means to exalt an Indian title above the Kings grant. And it is notoriously known in this province how easily an Indian may be induced to sell the Land he pretends to many times over to sundry persons, and how uncertain are their own claims and many times various pretenders. This humble Supplicant has been informed that this Island Manhattans whereon stands this Considerable town of Newyork was never purchased from the Indians.

16thly This humble supplicant does offer that in the last Assembly another Bill of differrent nature about the same agreement was brought in and passed and carryed to his Excellency the Earle of Bellomont deceased in his life time who was pleased in his great prudence to lay the same aside as not being proper to be passed.

17thly This supplicant desires he may be admitted upon oath to declare unto this honoble board what reward hath been promised him lately by one of the said Company of Aertsen to

betray the Interest of his said partners and what he can discover of a mutuall contract in the time of the last Assembly for the gaining of votes to the passing of that former Bill.

By all which and the many hard usages which the said Swartwout and Company have wrongfully sufferred from the other party in the Disturbance of their Right as well as possession, and the many proofs which they can bring he this humble supplicant does presume it will plainly be made appear to your honors that the first true clear equitable and Legall right to the Land of Waghaghkemeck does belong solely and Intirely to the said Swartwout and Company and that the other Company have only formed themselves from the beginning to Interrupt Circumvent and Supplant the first Company of the same land by methods and practices unwarrantable tending very much to the disturbance of the peace, which rather deserves punishment than Countenance.

He therefore humbly prayes that the said Bill be Rejected, and if does not seem good to the honoble Councill nor to his honor the Governor for the reasons and proofs which this Supplicant doth humbly offerr at present to lay aside the said Bill; ffforasmuch as the Chief matters relating this affair have been transacted in Ulster County and in Waghaghkemeck and other remoter places where the said Swartwout and Company and the greater part of the other Company do Resi le, and this Supplicant hath not Resided, and the Evidences also remote he therefore craves that time be allowed to the other partners of Swartwouts Company to appear to the Said Bill and to bring in their further allegations and Evidences before your honor and this honoble Board in some reasonable and Convenient time with regard to their distance and season of the yeare.

And humbly prayes your honor and the honoble board to give your opinion thereupon according to yor great wisdom and Justice, and your honors humble Supplicant shall pray &c

DAVID JAMISON.

October 6th 1701

Ordered, that the same be referred to be further Considered of on Thursday morning next.

At a Councill held at ffort William Henry, this tenth day of October, 1701.

PRESENT — *The Honoble* JOHN NANFAN, Esqr, &c.,

ABRAHAM DEPEYSTER, SAMUELL STAATS, ROBERT WALTERS, } Esq^rs

THOMAS WEAVER, WILLIAM ATWOOD, } Esq^rs

William Atwood Esqr Chairman of the Comittee of the Councill appointed to Conferr with the Comittee of the house of Representatives about the Bills does Report to this honoble board that the Bills sent down to the house of Representatives by the Governor and Councill on the five and twentieth day of September last, should be again sent up to the Governor and Councill and there read with the amendments the third time and passed the Councill and then be sent down to the house of Representatives for their assent to the said amendments.

These following Bills being brought up from the house of Representatives to this board were Read the third time together with the Amendments thereto annexed and passed the Councill, and ordered to be carried down to the house of Representatives for their assent to the said amendments, vizt

1st An Act for Incouraging the City of New York.

2dly A Bill for regulating the fences in the County of Ulster.

3dly An Act for the more Regular proceedings in the Election of Representatives for the severall Cities and Counties in this province.

4^thly An Act for Repealing An Act of the Generall assembly of this province Intituled An Act for defraying the publick and necessary charge throughout this province, for mainteining the poor and preventing vagabonds, and for the appointing a more effectuall meanes for defraying the publick and necessary charge in each City and County, and for mainteining the Poor and preventing Vagabonds.

5^thly An Act for Confirmation of a Certain agreement made by Thomas Swartwout and Company of the one part, and Gerrit Aertsen and Company of the other part.

6^thly An Act to Oblige Robert Livingston Esqr to account according to the purport of An Act Entituled An Act for appointing and enabling Comissioners to take and state the publick accounts of this province.

7^thly An Act for allowance to the Representatives

8^thly An Act for the settling and amending the Highwayes and roads in the County of Ulster.

9^thly An Act for the destroying of Wolves in the County of Ulster and Westchester.

10^thly An Act to Inforce the owners and possessors of unimproved Lands in the County of Albany Westchester Richmond and Orange to pay their proportion of their quitt rents and taxes, raised for the support of the Goverment and other County Charge.

Ordered, that Samuell Staats and Thomas Weaver Esq^{rs} do carry the said Bills to the house of Representatives.

The honõble the Lieutenant Governor and Councill having this day taken into Consideration the objections made in the last Councill by Mr David Jamison as well in writing as personally against passing a Bill Entituled An Act for Corfirmation of a certain agreement made by Thomas Swartwout and Company of the one part, and Gerryt Aertsen and Company of the other part. and heard what was offerred on the other side for the said Bill, are of opinion

1st That Mr Jamison and Company have no reason to object want of notice since as appeares by the Copy of the Journall of the house of Representatives they were fully heard in a former Sessions upon the meritts of the same Bill in Substance.

2dly That by what Mr Jamison has confessed by writing and word of mouth, and by the papers he produced it appeares:

1st That thô the Company under which he claims had the first License from the then Governor to purchase of the Indian proprietors they made no purchase in the time limitted by the License.

2dly That the License was to six persons to purchase each of them two hundred acres wi hin a particular district.

3dly That Aertsen having an Interest with the Indians prevented their selling to Swartwout and Company And Aertsen and Company thereupon procured a License to purchase four thousand acres within a larger district which comprehends the lesse out of which the others had License to purchase twelve hundred acres

4^{thly} After this Swartwouts License being expired, and disputes arising between the two Companies who ought to be allowed first purchasers both Companies agreed before severall Justices of the peace in the County to purchase together according to the severall proportions recorded or attested by those Justices and in pursuance thereof purchased and payd their moneys accordingly as is owned by Mr Jamison

5^{thly} Notwitstanding which Swartwout and Company applying themselves to Mr Jamison who was then Deputy Secretary, they and Mr Jamison in October one thousand six hundred ninety seaven obteined a patent from Governor flletcher of twelve hundred acres wherever they should think fitt to take them within the district mentioned in their Expired License.

6^{thly} Aertsen and Company have kept possession hitherto according to their purchases, the twelve hundred acres have never been ascertained, and as the patent to the others to chuse where they pleased without ascertaining the bounds was of dangerous Consequence at the first it appeares more so at this day.

7^{thly} It being a great Question what remedy can be in this matter by Law or the Ordinary Rules of Equity which cannot be pursued in vacating patents upon which the Chancery Judges as a Court of Comon Law the interposition of the Legislature seems necessary.

8^{thly} That if the said Bill pass their being yett no patent for more than twelve hundred acres of the four thousand purchased in Company 'tis reasonable that there should be one or more patent or patents according to the purchases of the Indians.

At a Councill held at the City hall of the City of New York this Eleaventh day of October, 1701.

PRESENT — *The Honoble* JOHN NANFAN, Esqr, &c.,

ABRAHAM DEPEYSTER, SAMUELL STAATS, } Esq^{rs} ROBERT WALTERS, WILLIAM ATWOOD, } Esq^{rs}

Cornelius Sebering and Henry ffowler Esq^{rs} from the assembly Desired that the oaths might be administered to Coll^{o} Caleb Heathcote, Captain Thomas Hicks and Mr Jonathan Smith before his honor in Councill to qualifie them to sitt and act as members of the house of Representatives for which they were elected which was done.

At a Councill held at ffort William Henry this ffifteenth day of October, 1701.

PRESENT — *The Honoble* JOHN NANFAN, Esqr, &c.,

ABRAHAM DEPEYSTER, SAMUELL STAATS, ROBERT WALTERS, } Esq^{rs} THOMAS WEAVER, Wm ATWOOD, } Esq^{rs}

John Depeyster, David Provoost, Hendrick Hansen, Cornelius Sebering &c from the Assembly layd before the Governor in Councill an Addresse from the house of Representatives to his Majesty together with

An Act for granting an additionall duty to his Majesty

An Act for the speedy repairing the forts of Albany and Schonectady; And

An Act for the quieting Setling and Confirming the Rights and possessions of Thomas Lawrence, William Lawrence, Robert Bruges, Bragoon Bragar, Hendrick Martinsen, George van Alts, John Lawrence, Andrew van Alts, John van Alts, John Pearsall and other ancient ffree holders possessors of Land and Inhabitants of a tract of Land called Hellgate Neck within the bounds of Newtown on Long Island, now called the Island of Nassau, and vacating all under patents &c

The Secretary of this province produced to the board a Letter directed to him intended a Return of the high Sheriff of the County of Suffolk of the writt to him directed for the election of Representatives for the said County which was ordered to be entered in the Councill book and follows in *hæc verba:*

SUFFOLK. *Mr High Sheriff.*

Wee the ffreeholders of this County of Suffolk being mett together according to precept and finding that the writts presented to us for the Election of other Representatives therein Required do contain an Infringment of our Liberties not allowing us to chuse whom we think fittest to trust in that affair, and so may be a president for our further thralldome wherefore we cannot at present incline to any further choice having allready Elected for this Assembly two Sufficient and Legall persons (in our esteem) of approved fidelity to his Majesty and who are no aliens but naturall born Englishmen and in their different Capacities have served in many Assemblies (in time of warrs) of greater Concernment than this present Assembly is or can be of and have acquitted themselves as faithfull and upright both to the Kings Majesty, and to this province, neither is this County as yett convinced of any fault that they have Comitted why we should reject them, on which Consideration we acquiese in our former choice of them which hath been free and without Restraint upon our Liberties as English men. Soe we bid you farewell.

Signed (*Nemine contradicente*) COUNTY OF SUFFOLK

October ye 8th 1701 *at Southold*

The above mentioned is the Result of the County of Suffolk.

JOHN MULFORD, Sher. Locus Sigilli.

Ordered, that an Expresse be dispatched with a sumons for John Mulford Esqr High Sheriff of the County of Suffolk to appear before this board Imediately on the Receipt of the said sumons.

The Act for granting an additionall duty to his Majesty and the Act for the speedy repairing the forts of Albany and Schonectady were read the first time.

Ordered, that the Letter to the Assembly from the persons Elected to be Representatives of Westchester and Queens Counties brought to the Governor from the said house by Ryer Schermerhoorn and Cornelius Van Brunt Esqrs together with the reasons of a Comittee of the house of Representatives for prosecuting of them be entred in the Councill book Literatim and follow in *hæc verba:*

Gentelmen,

Wee whose names are hereunto subscribed being elected Representiues in Quens Countey & Westchester Countey in the Roome of others tow serue in this Genrall Asembeley do giue ouer atendance and haue tacken the oth test & assotiations to testefie ouer redey nes & zeale for ye serues of his Most sacred majasteys & ouer Contrey ye greate & prinseabel end for which we weare caled to gether.

Ye complaint & Clamer of the people are so great that we think it overey neseserey & meete before we proseed to acte with you that we & the people whome we represent have full satisfaxcion that you are a house legley and wrightly constuted with out which it can neuer be Expected that we can safley proseed nor the people giue chearefull obeadiance & think ouer actes binding that we may not be wanting in our Dutey in this respect to his most sacred Maiastey and ouer Contrey, we presume Gentelmen to aquainte you that it is the cõmon reporte of ye people and we are Credabley informed that some of you haue used uercy indrect & ounwarnteabel menes to procuer youre selues to be Elected & returned as members of the asembeley, and that one ye 20 day of ougost lost the house consisted of 21 persons wheare of the Specker was one, ten of the number did in the house chalings the Specker to be ounquallified for being an aliane & afterwardes did Repetet the same to the Govner, which they haue all so giuen under theare handes ovpone which heed the house being equally deuided could giue no Desison.

That it appeares by youre ovotes that ten of you with the Speacker thus sircumstanced have presumed to acte, and to strenthen youre number haue vooted out sum of the other tenn & tacken in tow others in theare roome who are sayd not to be elected by the peopel, and that you are preparing to mack abill to depriue maney of his maiustes englesh Subgetes from theare

natef wright of voteing for asembeleymen and the people in each respetef Countey from chusing pearsons to Examione theare one publecke Deptes all which are against the wrightes of and privelegy of his maiastes fre borne Englesh Subgetes the Lawes of England and this provence and soo Gentelmen

We are humbeley of apinion that all the aboue mentioned artukels are not for his maiastes serues, nor the well fare of this provence but absolutly Destrutef to the same, and till you giue us furder satisfaxion, and the Specker clear himself from being an Alian we cannot acte with you to site and spend ouer time and the Contres mony to make acts that will be voyd in themselves.

Signed { Tho Willet
John Talman
William Willet.

September the 13th day, 1701.

House of Representatives, the 23th September, 1701.

At a Comittee to draw Reasons for prosecuting Thomas Willet John Tolman and William Willet.

Isaac De Reimer reports these following:

That it appeareth by the said paper as well as by the Journall of the house that this was Contrived and Subscribed before they had been in the house to observe any transaction there and yett they presume to take upon them the Judgment of the Qualifications of members and to take notice of the proceedings of the house which is a manifest breach of its priviledges and of dangerous example.

2dly They reflect not only upon this house, but upon the Governor who approved of the Speaker and whereas in their barbarous English Its writt "one the 20 day of Ougost last "the house Consisted of 21 persons who are of the Specker was one tenn of the members did "in the house chalings the Specker to be unqualified for being an Aliane, and afterwardes "did repetet the same to the Gouner which they have also given under theare hands upone "which heed the house being equally devided could give no Disison.

The truth of this matter is thus

on the ninteenth day of August the house being ordered to proceed to Chuse their Speaker ten of the Twenty one choose Mr Abraham Gouverneur, against whom there was then no objection upon Suspition of his being an Alien, and nine endeavoured to chuse Mr Nicoll but the Election having fallen upon Mr Gouverneur the whole house in a body presented Mr Gouverneur to the Lieuten't Gouvernor in Councill where Mr Gouvernor would have disabled himself but the Lieu't Governor finding no objection from any one member approved of the choice which then appeared to be unanimous, upon which they returned to the house and an objection being made against Mr Nicoll and Mr Wessells as Chosen contrary to a late act and therefore not quallified to serve they as was usuall were ordered to withdraw till that matter should be determined, and yett they two with other eight came the next morning and then objected against Mr Gouverneur as if they had been informed since that Mr Gouverneur was an alien, and yet they could not but know that the same objection had been made in a former assembly when it appeared upon Examination that he is within an act of naturalization which has never been repealed. Notwithstanding which the two who had no authority to act as members till the Question concerning their Capacities to sit was over together with other eight had the assurance to go in a body to the Governor to complain of a matter wherein they had concluded themselves, besides that their objection if made in time could have had no effect, and since that, as we are given to understand not only by this paper but otherwise. they have putt their complaint in writing, and have sent the same to England, after which we desire that Enquiry may be made in order to the punishment of such seditious practices.

3dly These persons are guilty of a great Contempt of his Majties writt in pursuance of which they were chosen, and of the trust reposed in them, to act as members of this house, and yet they refuse to act without such conditions as they well knew would not be comply'd with, nor can without admitting that these three ought to govern the house and that the votes of the farr greater part ought to yeild to those three who while they argue that the house could not decide the Question concerning the Speaker are so inconsiderate as not to observe that the Question had been over and the due Quallifications of the Speaker agreed to by all in effect, and that when the objection was first started there were but Eight persons quallified to object against not only the choice of ten but the Submission and approbation of twenty.

4thly These persons having in their barbarous Language used these words "Till you give us "furder satisfaxion and the Specker clear himself from being an Aliane we cannot act with you "to site and spend our time & the Contres money to make actes that would be voyd in "themselves, would not only really inferr that their satisfaction is Requisite to the making the acts of this assembly of force but are guilty of a high contempt of that authority by which it sits and acts, Disowing that authority and labouring to stir up the people of this

province to sedition and give advantage to a forreign power upon divisions purposely raised by them and their accomplices

Which was read and approved of

By order of the house of Representatives
ABRAH: GOUVERNEUR, Speaker.

The Attorney Generall is hereby ordered to prosecute the said persons at the next Supreme Court.

At a Councill held at ffort Wm Henry, this sixteenth day of October, 1701.

PRESENT — *The Honoble* JOHN NANFAN, *Esqr*, &c.,

ABRAHAM DEPEYSTER, SAMUELL STAATS, } Esqrs ROBERT WALTERS, WILLIAM ATWOOD, } Esqrs

Ordered, that the Clark of the Councill do prepare and bring in a Bill to morrow morning for Supplying the defects of the Act for settling the Militia made in the third year of his present Majties Reigne.

At a Councill held at ffort William Henry, this seaventeenth day of October, 1701.

PRESENT — As yesterday.

The Clark of the Councill layd before the board An Act for supplying the defects of a late Act for Setling the militia prepared by him in obedience to an order made yesterday for that purpose, which was read the first and second time and Comitted to the members of this board or any three of them.

William Atwood Esqr Chairman of the Comittee to whom the Act for suppying the defects of the Act for Setling the militia does Report to this honõble board that the same do passe without any amendment.

Whereupon the said Bill was read the third time and passed the Councill, and ordered the same be sent down to the house of Representatives for their assent, and Mr Walters to carry the same.

An Act for payment of the debts of the Goverment made in the late happy Revolution being brought to the Governor by members of the house of Representatives appointed thereunto was read the first time.

An Act for granting an additionall duty to his Majesty and An Act for the Speedy Repairing the forts of Albany and Schonectady were read the second and third time and passed the Councill.

Ordered, that Mr David Jamison do appeare before this board to morrow morning by Eight of the Clock and offer his further Reasons if any he have why the Act for confirming the agreement made by Thomas Swartwout and Company of the one part, and Gerryt Aertsen and Company of the other part should not passe into a Law of which he is to have notice.

Ordered, that the Clark of the Councill do Insert the amendmts in the body of the Bills which have passed the Councill with amendments, the house of Representatives having Consented thereto.

At a Councill held at ffort William Henry, this eighteenth day of October, 1701.

PRESENT — *The Honoble* JOHN NANFAN, Esqr, &c.,

SAMll STAATS, ROBERT WALTERS, } Esqrs THOMAS WEAVER, Wm ATWOOD, } Esqrs

Ordered, that the Amendment made by the house of Representatives to the Bill for Supplying the defects in a late Act for Settling the militia be inserted in the body thereof.

The Councill agreed to the amendments made by the house of Representatives to the Bill for Incouraging the City of New York, and the Clark of the Councill pursuant to their order

inserted the same, together with the amendments made by the Councill to which the house of Representatives had agreed in the body of the said Bill.

Pursuant to an order of this board made yesterday Mr Jamison appeared before this board but offerred no further reasons against passing the Bill for Confirming the agreement made by Thomas Swartwout and Company of the one part and Gerryt Aertsen and Company of the other part than he had formerly done.

The petition of Jacob Leisler read praying the Bill passed the house of Representatives for paying the debts of the Goverment during the late happy Revolution and brought up to this board may passe this session which petition was favourably Received by the Governor and whole Councill no man objecting against the matter of the same only forasmuch as the assembly had satt very long and it was Reasonable it should be at present dismissed the further Consideration of the same is Respited to the next sessions of the Assembly.

The Governor gave the Assent to the ten Bills passed the Councill the tenth Instant, and also to

11. An Act for granting an Additionall duty to his majesty.
12. An Act for speedy repairing the forts of Albany and Schonectady. And
13. An Act for supplying the defects of a late Act of Assembly for settling the Militia, Enacting them, and ordering them to be enrolled.

The Governor sent the messenger of the Councill to the house of Representatives to desire their Imediate attendance in Councill. where they being present, the Governor acquainted them that he had passed severall acts, and the titles thereof were read, and desired their attendance to the City hall to have them published and prorogued the Assembly to the third Tuesday in March and they were thereby prorogued accordingly.

Then the Governor Councill and Assembly proceeded to the City hall where the said Laws were published.

EIGHTH ASSEMBLY SECOND SESSIONS.

At A Councill held at ffort William Henry, this one and Twentieth day of Aprill, 1702.

PRESENT— *The Honoble* JOHN NANFAN, Esqr, &c.,

ABRAHAM DEPEYSTER, SAMUELL STAATS, ROBERT WALTERS, } Esqrs

THOMAS WEAVER, WILLIAM ATWOOD, } Esqrs

The Lt Governor prorogued the Assembly till to morrow morning severall of the members not being yet come to Town.

At A Councill held at ffort William Henry, this two and Twentieth day of April, 1702.

PRESENT— As yesterday.

The Clark of the Assembly acquainting the Lieutenant Governor in Councill that Eleaven of the members were in Town, he desired their attendance imediately which being done and the Speaker being present with them before this board the Lieutenant Governor sayd:

Lt Govrs Speech. *Gentlemen*,

The Chearfullnesse with which the sound part of you gave the additionall Revenue, and the moderation which you showed to others, assured me of an happy effect of this meeting.

Indeed I had promised my self that the proceedings of your whole body would have been agreeable to that unity and unanimity which I so earnestly recomended to you at the opening of the last sessions, but they who refused to joyn with you in serving his Majtie and the publick have since made it more evident than I could have imagined, that nothing lesse than having the Goverment in their hands could satisfie 'em, and their chief managers have shewn such disaffection to his Majesty and his Goverment, as nothing but the Execution of the Laws can Conquer.

If there be any points wherein the Law of England cannot yet have its full Course here, through the different Circumstances of place, I shall be ready to concurr with you in proper methods for supplying such defects, and in all other matters which you can Reasonably propose for the good of this province.

I think it my duty to Recomend to you the Consideration of proper methods for the Support of the publick creditt that the Souldiers may be more certain, and the ffortifications putt into a good posture of Defence, and I doubt not but your Loyalty to his Majesty King William will prompt you to shew your Resentment of the Indignity offerred his Majesty, and the English nation by the ffrench King in pretending to sett up an Impostor for King of England and those other dominions of which ffrance it self is known to be part, being within his present Majesties Rightfull style.

And in humble Imitation of the great Example of the Comõn father of us, and his numerous happy people I can't but presse that there be no distinction heard of among us for the future but of those who are for the protestant Religion, and the present Establishment, and of those who mean a popish prince and a ffrench Goverment.

Then they withdrew.

At a Councill held at ffort William Henry, this seaven and twentieth day of Aprill, 1702.

PRESENT— *The Honoble* JOHN NANFAN, Esqr, &c.,

ABRAHAM DEPEYSTER, ROBERT WALTERS, } Esq^rs THOMAS WEAVER, WILLIAM ATWOOD, } Esq^rs

Jacob Rutsen and Isaac De Riemer Esq^rs from the Assembly layd before this board a Bill for outlawing Phillip ffrench and Thomas Wenham merchants, and enforceing processe of Outlawry.

A Bill for paying the debts of the Goverment made in the time of the late happy Revolution And

A Bill for granting unto the City and County of New York, Kings County, County of Richmond, County of Orange and County of Westchester equall priviledge with the other Cities and Counties in this province, for the probate of Wills and granting Letters of Administration.

The Bill for outlawing Phillip ffrench and Thomas Wenham merchants and enforceing process of Outlawry was read the first time.

At a Councill held at ffort William Henry, this Eight and Twentieth day of Aprill, 1702.

PRESENT— As yesterday.

The petitions of severall persons who either themselves or their Ancestors lived in this province under the Goverment of the Dutch nation and during that time purchased for valuable Considerations at publick vendues and otherwise Lands and Tenements according to their Law and usage from the widdows and Administrators who thereby had power to sell the same, praying that An Act of Assembly may passe effectually to quiet their possessions and to make valid the said sales of the said Lands and Tenements so made together with what Collatterall Conveyances have been since made thereon and the same is hereby Recomended to the Consideration of the Gentlemen of the Assembly.

The Bill for paying the debts of the Goverment made in the time of the late happy Revolution, and the Bill for granting unto the City and County of New York, Kings County, County of Richmond, County of Orange and County of Westchester equall priviledge with the other Cities and Counties of this province for the probate of Wills and granting Letters of Administration were read the first time.

The Bill for outlawing Phillip ffrench and Thomas Wenham merchants and enforceing processe of Outlawry was read the second time and Comitted to Abraham Depeyster, Samuell Staats, Robert Walters, Thomas Weaver and William Atwood Esq^rs

At a Councill held at the City of New York, this Thirtieth day of Aprill, 1702.

PRESENT — *The Honoble* JOHN NANFAN, Esqr, &c.,

ABRAHAM DEPEYSTER, SAMUELL STAATS, ROBERT WALTERS, } Esq^{rs} — THOMAS WEAVER, WILLIAM ATWOOD, } Esq^{rs}

The Bill for outlawing Phillip ffrench and Thomas Wenham merchants, and Enforceing processe of outlawry, together with the Amendments made thereto by the Gentlemen of the Councill to whom the same was referred, being read the third time is passed, and this board do order the Clark of the Councill to carry the same to the house of Representatives for their assent to the said amendments.

Which being done and the said Bill being Returned to this board with their assent to the said amendments It is

Ordered, that the Clark of the Councill do amend the same according thereto.

The said Bill being amended accordingly the Governor gave the assent thereto Enacting it and ordering it to be Enrolled.

At a Councill held at the City of New York, this first day of May, 1702.

PRESENT — *The Honoble* JOHN NANFAN, Esqr, &c.,

ABRAHAM DEPEYSTER, ROBERT WALTERS, } Esq^{rs} — WILLIAM ATWOOD, Esqr, SAMUELL STAATS, Esqr, sick,

The rest out of Town.

The Bill for Continueing the Comissioners of accounts for one yeare longer.

The Bill for better Regulating the Elections of Trustees and Magistrates for the Town of Kingston in the County of Ulster.

A Bill for declaring Confirming and Explaining the Liberties of the City of New York relating to the election of their Magistrates And

A Bill for augmenting the number of the Representatives of this province to serve in the Generall Assembly, being layd before this board by the Governor the same having been Delivered to him by members of the house of Representatives appointed thereunto Were read the first and second time and Comitted to Abraham Depeyster Samuell Staats Robert Walters and William Atwood Esq^{rs} or any three of them.

The Bill for paying the debts of the Goverment &c read the second time.

The house of Representatives by a Comittee of the said house appointed thereunto having presented to the honoble the Lieutenant Governor the most humble Addresse of the house of Representatives of this his Majesties province of New York in Generall Assembly Conveened and desired his honor to send the same to England by the first oppertunity in order that it might be layd before his Majtie the Governor produced the same before this board and it was there read and ordered accordingly.

Post Meridiem.

PRESENT — *The Honoble* JOHN NANFAN, Esqr, &c.,

ABRAHAM DEPEYSTER, SAMUELL STAATS, ROBERT WALTERS, } Esq^{rs} — THOMAS WEAVER, WILLIAM ATWOOD, } Esq^{rs}

William Atwood Esqr Chairman of the Comittee of the Councill to whom severall Bills were referred does report to this honoble Board that the Bill for Continuing the Comissioners of Accounts for one yeare longer,

The Bill for the better regulating the Elections of Trustees and Magistrates for the Town of Kingston in the County of Ulster and

The Bill for declaring Confirming and Explaining the Liberties of the City of New York relating to the Election of their Magistrates do passe without any amendment. And that the Bill for augmenting the number of the Representatives of this province to serve in Generall Assembly do passe with this amendment only In page the second Line the second the word [three] to be obliterated and the word [two] Inserted.

David Provoost and Cornelius Sebering Esq^rs from the house of Representatives layd before this board the Bill for Continuing the Revenue Established by Law unto his Majesty for two yeares longer.

By order of this board the Bill for augmenting the number of the Representatives of this province to serve in Generall Assembly was Delivered to the said David Provoost and Cornelius Sebering to carry to the house of Representatives for their assent to the said amendments.

The said persons being Returned with the said Bill to this board, the house of Representatives having consented to the said Amendment. This board do order the Clark of the Councill to amend the same accordingly. Which was done in Councill.

The Bill for paying the Debts of the Goverment made in the time of the late happy Revolution.

The Bill for augmenting the number of Representatives of this province to serve in Generall Assembly.

The Bill for Continuing the Commissioners of accounts for one yeare longer.

The Bill for declaring Confirming and Explaining the Liberties of the City of New York relating to the Election of their Magistrates and

The Bill for the better Regulating the Elections of Trustees and Magistrates for the Town of Kingston in the County of Ulster were read the Third time and passed the Councill.

The Bill for Continuing the Revenue Established by Law unto his Majesty for two yeares longer was read the first second and Third time and passed the Councill.

The house of Representatives being present before this board the Governor signed the following Bills Enacting them and ordering them to be enrolled under the seale of this province, vizt

2. The Bill for paying the debts of the Goverment made in the time of the late happy Revolution.

3. The Bill for Continuing the Revenue Established by Law unto his Majesty for two yeares longer.

4. The Bill for the better Regulating the Elections of Trustees and Magistrates for the town of Kingston in the County of Ulster.

5. The Bill for declaring Confirming and Explaining the Liberties of the City of New York relating to the Electing of their Magistrates.

6. The Bill for Continuing the Comissioner of accounts one year longer. And

7. The Bill for Augmenting the number of Representatives of this province to serve in Generall Assembly.

Then the Lieutenant Governor told the Assembly that they might go to their house and adjourn themselves to what time they thought fitt, and that he desired their attendance on him to publish the Laws to morrow morning.

After which the Speaker sayd

May it please your Honor.

I am comanded by the house of Representatives to acquaint your honor with their sentiments That next to their most hearty Expressions of Loyalty to our most Rightfull Soveraign King William which they have made by doing every thing in their power to Support his Goverment in this province, and to discourage those who are enemies to it. They do with the greatest service of gratitude acknowledge your honors constant zeale for his Majesties service and the good of this province ever since his Majesty has been pleased to make us happy and to honor you with this goverment, of which you have given such convincing proofs, that they and their posterities have reason to pray, that the warm Influences of his Majesties favour, and the eternall Blessings of futurity may compensate them to your honors person and family for ever.

The Lieutenant Governor favourably received the same and thanked them for their kind Expressions. Whereon they withdrew.

•

At a Councill held at ffort William Henry this Second day of May, 1702.

PRESENT— *The Honoble* JOHN NANFAN, *Esqr*, &c.,

ABRAHAM DEPEYSTER, ROBERT WALTERS, } Esq^rs

THOMAS WEAVER, WILLIAM ATWOOD, } Esq^rs

A Message from the Assembly by Isaac De Riemer and Adrian Gerritse Esq^rs laying before this board the petition of Thomas Weaver Esqr Collector of the Customs and Receiver Generall of this province preferred to them this day which was read. On consideration thereof It is hereby

Ordered, that a Letter be framed and transmitted to the Right honōble the Lords of the Councill of trade and plantations in favour of the said Thomas Weaver humbly Requesting their Lordships to Represent the said matter favourably to his Majesty.

[In Executive Session.]

At a Councill held at the City of New York this third day of May, 1702.

Present — *His Excellency* Edward *Lord* Cornbury, &c.,

Abraham Depeyster, Samuell Staats, Robert Walters, } Esqrs

Thomas Weaver, William Atwood, } Esqrs

Ordered, a Proclamation issue forthwith Dissolving the Assembly and Declaring that a New one shall be called as soon as possible for his Majesties service.

NINTH ASSEMBLY FIRST SESSIONS.

At a Councill held at the Town of Jamaica in Queens County on the Island Nassau this 20th day of October, 1702.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

WILLIAM SMITH, SA: SH: BROUGHTON, Wm LAWRENCE, GERRARD BEEKMAN, } Esqrs

RIP VAN DAM, CALEB HEATHCOTE, } Esqrs
JOHN BRIDGES, Dor of Laws.

The Clark of the Assembly having acquainted his Excellency that twelve of the members of the Generall assembly were in Town and were now Conveened together, his Excellency Comanded the Clark of the Councill to acquaint them that if they were in Readynesse his Lordship would send some of the members of the Councill whome by Dedimus potestatem he had Impowered for that purpose to administer the oathes appointed by act of parliament to be taken instead of the oathes of Allegiance and Supremacy and the Test by them.

The Gents of the house of Representatives Returning that they were ready to receive his Lordships Comands.

Collo Wm Smith and John Bridges Doctor of Laws went and Administered the said oathes and Test to them.

Ordered, that the Clark of the Councill do acquaint the house of Representatives that his Excellency desired their Attendance Imediately at the Councill Chamber; And they accordingly Attending his Excellency Desired them to Repair to their house and Choose a Speaker and attend him with their Speaker.

The sd members of the house of Representatives being Returned they presented William Nicoll Esqr to be Speaker of the house of Representatives of this province.

His Excellency Confirmed their Choice Whereon the Speaker in the name of the house of Representatives Demanded his Lordships Confirmation of their ancient Rights and priviledges, and that the same might be entred verbatim in the Councill book, which being granted was ordered accordingly and follows *in hæc verba* (vizt)

The ffreedom from arrests for themselves and Servants during the Sessions as usuall;

ffreedom of accesse to his Lordship upon all occasions relating to their present service;

ffreedom of Debate and speech in their house and a favourable and Candid Construccon of all their words, with all other the ancient priviledges usuages and Customs of the Generall Assembly of this province.

Then his Excellency made the following Speech to the house of Representatives:

Gentlemen,

When I first left England, to come into this Province, I did resolve at my first Arrival, to call a General Assembly, hoping to find all Things here in so good a Posture, that I should have had nothing to do, but to apply myself, with your Assistance, to the putting this Country into a Posture of Defence, against the War, which I expected every Day would break out. It was an extreme Surprize to me, to find this Province, at my Landing, in such a Convulsion, as must unavoidably have occasioned its Ruin, if it had been suffered to have gone on a little longer. The many Complaints that were brought to me, against the Persons I found here in Power, sufficiently proved against them, and the miserable Accounts I had of the Condition of our Frontiers, made me think it convenient to delay my meeting of you in General Assembly, till I could inform myself in some Measure, of the Condition of this Province, that I might be able to offer to your Considerations, some few of those Things, which will be necessary to be done forthwith for the Defence of the Country. The first Thing which I earnestly recommend to the Care of you, Gentlemen of the House of Representatives, is the providing for the Defence of the City and Port of New-York, which seem to me to be much exposed; and likewise for the Defence of our Frontiers, which I have found in a much worse Condition than I could have imagined; the Soldiers being naked and almost unarmed; and the Forts in Reality defenceless, so that it will be absolutely necessary, in the first Place, to provide such Sums of Money, as may be necessary for the making some Works, that will be proper for the Defence of the Country, and for the raising of 200 Men, which I think absolutely necessary to be placed at Albany and Schenectady, for the Defence of the Frontiers this Winter. I hope the Representations I have sent Home will have that good Effect, that her Majesty will give such Directions, that the Burthens here may be made Lighter; however in this Time of Exigency, I earnestly recommend to you a Dispatch of these Things, and you may assure yourselves, that whatever Sums shall be

granted by you, shall be applied to those Uses only, for which they were given, of which you shall have an Account at your next Meeting. There are some other Things, I think it my Duty to recommend to you, particularly the preparing a good Bill, for the better reglating the Militia of this Province, another for the Erecting of publick Schools in proper Places, another for appointing a convenient Number of fit Persons, to examine and state the publick Accounts and Debts of this Province; that when the Debts are known, such proper Methods may be taken for the Payment of them in due Time, as will best suit the Condition of the Province; these and all other Bills, which shall appear to be necessary to be passed into Acts, for the good of this Country, and for the Preservation and Encouragement of the People, shall always find a ready Compliance from me.

Now, Gentlemen, I have no more to trouble you with, but to assure you, in the Name of the great Queen of England my Mistress, that you may safely depend upon all the Protection that good and faithful Subjects can desire, or expect from a Sovereign, whose greatest Delight is in the Welfare of her People; under whose auspicious Reign, we are sure to enjoy, what no Nation in the World dares claim, but the Subjects of England, I mean the free Enjoyment of the best Religion in the World, the full Possession of all lawful Liberty, and the undisturbed Enjoyment of our Freeholds and Properties: These are some of those many Benefits, which I take the Inhabitants of this Province, to be well entitled to by the Laws of England, and I am glad of this Opportunity to assure you, that as long as I have the Honour to serve the Queen, in the Government of this Province, those Laws shall be put in Execution, according to the Intent with which they were made, that is for the Preservation and Protection of the People, and not for their Oppression. I heartily rejoice to see, that the free Choice of the People, has fallen upon Gentlemen, whose constant Fidelity to the Crown, and unwearied Application to the Good of their Country, is so universally known.

Ordered, that a Message be sent to the house of Representatives acquainting them of the usage and Custom of the parliament of England to appoint a Chaplain to read prayers to them every morning before they proceed on businesse that day and to desire that they will do the same, and

Ordered, that Caleb Heathcote Esqr and John Bridges Doctor of Laws do carry the said message.

Adjourned till Eight of the Clock to morrow morning.

At a Councill held at Jamaica in Queens County this 21th *of October*, 1702.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

WILLIAM SMITH, SA: SH: BROUGHTON, RIP VAN DAM, } Esq^{rs}

WILLIAM LAWRENCE, CALEB HEATHCOTE, } Esq^{rs}
JOHN BRIDGES, Do^{r} of Laws.

Coll^{o} Caleb Heathcote and Doctor John Bridges acquainted this board that they had Dd the Message yesterday sent by them to the house of Representatives

Adjourned till Eight of the Clock to morrow morning.

At a Councill held at Jamaica this 22th *day of October*, 1702.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

WILLIAM SMITH, SA: SH: BROUGHTON, Wm LAWRENCE, } Esq^{rs}

GERRARD BEEKMAN, RIP VAN DAM, } Esq^{rs}
JOHN BRIDGES, Do^{r} of Laws.

Ordered, that the Attorney Generall do prepare a Bill for the effectuall Discovering the debts of this Goverment and Coll^{o} Wm Smith and Rip van Dam Esqr are hereby desired to assist him therein.

Adjourned till two of the Clock in the afternoon.

Post Meridiem

PRESENTIBUS — *Eisdem*

Phillip ffrench and Thomas Codrington Esq^{rs} brought a Message from the house of Representatives Desiring to know when his Excell will please to be attended with the Addresse of the said house.

His Excellency acquainted them that he was ready to receive the same.

Whereupon the Speaker attended with the whole house of Representatives, addressed his Excellency in the words following

May it please your Lordship,

The Representatives of the People of this Colony, now convened in General Assembly, are under the greatest Obligations to render your Lordship their grateful Acknowledgment, for your Excellency's most kind and agreeable Speech; which they humbly offer with all imaginable Sincerity. They are deeply sensible of the Misery and Calamity this Country lay under at your Excellency's Arrival, and could heartily wish there had been no Reason, for these just Complaints, or the true Observations of the Condition of the Country your Lordship has made but are not able sufficiently to express the Satisfaction they have, both in their Relief and Deliverer They entirely believe they cannot be happier, than under the Reign of so good and so great a Princess, as her Sacred Majesty the Queen, especially since the Care of her Subjects in these Parts is committed to a Person of your Lordship's generous and noble Character, so sensible of the Rights of the English Subjects, and so willing to put the Laws into Execution, which are the Defence and Security of those Rights. They are pleased to the greatest Degree, to find themselves in your Lordship's favourable and good Opinion; they hope, and shall make it their utmost Endeavour to continue it, by their cordial Affection and steady Faith to the Crown, their Duty, Regard and Gratitude to your Lordship, and their just Concern and Love for their Country.

Then they withdrew.

It is the opinion of this board that a Message be sent to the house of Representatives desiring them to appoint a Comittee of their house to meet Coll° Wm Smith, Sa: Sh: Broughton Esqr and John Bridges Dor of Laws appointed a Comittee of this board in order to the preparing an Addresse for Congratulating her Majtie on her happy Accession to the Crown, And

Ordered, that Rip van Dam Esqr and John Bridges Dor of Laws do Carry the sd Message. Which they did accordingly.

Adjourned till ten of the Clock to morrow morning.

At a Councill held at Jamaica in Queens County, this 23th *day of October*, 1702.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH, SA: SH: BROUGHTON, Wm LAWRENCE, } Esqrs — RIP VAN DAM, Esqr, JOHN BRIDGES, Dor of Laws,

Henry Beekman and John Stillwell Esqrs from the house of Representatives acquainted this board that they had appointed a Comittee of the said house to meet the Comittee of the Councill to consider of an addresse for Congratulating her Majtie on her happy accession to the Crown, according to a Message from this board sent them yesterday for that purpose.

Ordered, that the said Comittees to meet in the Councill Chamber to morrow morning at Eight of the Clock.

Adjourned till four of the Clock this afternoone.

Four a clock afternoon.

Adjourned till nine of the Clock to morrow morning.

At a Councill held at Jamaica, this 24th *day of October*, 1702.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH, SA: SH: BROUGHTON, Wm LAWRENCE, } Esqrs — RIP VAN DAM, Esqr, JOHN BRIDGES, Dor of Laws,

Coll° Wm Smith Chairman of the Comittee of the Councill appointed to meet a Comittee of the house of Representatives in order to the preparing an Addresse for Congratulating her Majtie's happy accession to the Crown reports that the said Comittees have prepared the said Addresse which was read and was approved of and ordered to be entred in the Councill book & follows in *hæc verba.*

To the QUEEN'S *Most Excellent* MAJESTY.

The humble ADDRESS of your Majesty's Governor, Council and Representatives of your Colony of *New-York* in *America*, convened in General Assembly.

Most humbly Sheweth,

That we are glad to lay hold of the Opportunity of the first Time of our being convened in General Assembly, with an unfeigned Zeal, in all humble Manner, to congratulate your Majesty's happy Accession to the Throne of Great-Britain, and other your Majesty's Dominions, and do esteem it the Effect of God's great Goodness towards us, that your Sacred Majesty has been preserved peaceably to ascend the Throne of your Ancestors, and to be so eminent and particular a Blessing to your Subjects. Many of us, in this Province, have had the Misfortune, to be misrepresented as disaffected to the Government and Laws of England, and particularly to the Person of his late Majesty, and several of us severely treated as such, by Persons then executing the Powers of Government here; notwithstanding, we have all of us, in our respective Stations most studiously and constantly given Proofs of our Readiness to support the Government of England, as by Law established. And as our Hearts are transported with Joy, from a due Sense we have of your Majesty's royal Goodness, Care and Concern for the Peace and Preservation of all your Subjects, so we do firmly resolve, upon all Occasions, to give fresh Demonstrations of our inviolable Duty, Zeal and good Affection, to your Majesty's Person and Government, and shall most chearfully and unanimously, to the utmost of our Power, endeavour to support and defend this your Majesty's Colony, and shall constantly put up our Prayers to Almighty God, to make your Majesty's auspicious Reign long and prosperous.

Adjourned till Eight of the Clock Tuesday morning.

At a Councill held at Jamaica, this 27*th day of October*, 1702.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH,	Esqrs	RIP VAN DAM,	Esqrs
SA: SH: BROUGHTON,		CALEB HEATHCOTE,	
GERRARDUS BEEKMAN,		JOHN BRIDGES, Dor of Laws	

Adjourned till three of the Clock afternoone.

Three a clock afternoon.

Adjourned till 8 of the Clock to morrow morning.

At a Councill held at Jamaica this 28*th day of October*, 1702.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH,	Esqrs	RIP VAN DAM,	Esqrs
SA: SH: BROUGHTON,		CALEB HEATHCOTE,	
GERRARD BEEKMAN,			

A Message was sent from the house of Representatives by Thomas Garton and Thomas Willet Esqrs acquainting this board that the said house have agreed to the Addresse for Congratulating her majties happy accession to the Crown, the said addresse being read at the board is agreed to and ordered to be Engrossed

On Consideration of the Message sent his Excellency from the house of Representives desiring that his Excellency will please to appoint a Serjeant at arms to attend the sd house his Excellency has thought fitt to Constitute and appoint Mr Edward Cole for that office And

Ordered, that Colle Heathcote acquaint this house of Representatives thereof.

On Consideration of the Message from the house of Representatives desiring that the accounts of the revenue of this Colony and the necessary Contingent Charge of the Goverment since the arrivall of the late Earle of Bellomont in this Colony may be layd before the sd house. His Excellency is pleased to return for answer thereto that he is very desirous that the same may be Inquired into, and will give to the house of Representatives all Books papers or other things that have come to his hands possion or power in order to their so doing

And his Excellency is further pleased to declare that he is very desirous that the house of Representatives will by a Bill arm fitt persons with sufficient power to Examine into the Debts of the Colony and State of the Revenue.

Adjourned till 8 of the Clock to morrow morning.

At a Councill held at Jamaica in Queens County this 29th *day of October*, 1702.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH, SA: SH: BROUGHTON, GERRARD BEEKMAN, } Esqrs

RIP VAN DAM, CALEB HEATHCOTE, } Esqrs

Adjourned till to morrow morning 8 of the Clock

At a Councill held at Jamaica in Queens County this 30th *day of October*, 1702.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH, SA: SH: BROUGHTON, GERR: BEEKMAN, } Esqrs

RIP VAN DAM, CALEB HEATHCOTE, } Esqrs

Adjourned till two of the Clock afternoone

Post Meridiem.

PRESENTIBUS — *Eisdem*

Adjourned till Eight of the Clock to morrow morning.

31th October 1702 Adjourned till Monday two of the Clock afternoone

2d November 1702 Adjourned till to morrow morning Eight of the Clock

At a Councill held at Jamaica in Queens County this 3d *of November*, 1702.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, Wm LAWRENCE, } Esqrs

GERRARDUS BEEKMAN, CALEB HEATHCOTE, } Esqrs

The rest out of Town

Adjourned till four of the Clock afternoon

Post Meridiem

Adjourned till ten of the Clock to morrow morning

At a Councill held at Jamaica in Queens County this 5th *day of November*, 1702.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

WILLIAM SMITH, PETER SCHUYLER, Wm LAWRENCE, } Esqrs

GERRARD BEEKMAN, RIP VAN DAM, CALEB HEATHCOTE, } Esqrs

Daniell Whitehead and John Abeell Esqrs from the house of Representatives layd before this board a Bill for the Levying and Collecting the sume of £1800 for the raising paying and mainteining 150 fuzileers with their proper officers for 5 mo and 30 men with their proper Officers to be Imployed as Scouts 62 dayes for the Defence of the frontiers which was read the first time, and ordered a Second Reading to morrow morning

Adjourned till ten of the Clock to morrow morning.

At a Councill held at Jamaica, this 6th day of November, 1702.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH, PETER SCHUYLER, SA: SH: BROUGHTON, Wm LAWRENCE, Esqrs

GERRARD BEEKMAN, RIP VAN DAM, CALEB HEATHCOTE, Esqrs

The humble Addresse of the Governor Councill and Representatives of this province Conveened in Generall Assembly Congratulating her Majties happy accession to the Crown having Been fairly Ingrossed was presented to this board and read and signed by the Governor and the Gentlemen of her Majties Councill, and ordered to be sent to the house of Representatives and that Collo Heathcote do carry the same.

The Attorney Generall in pursuance of his Excellencies order having prepared a Bill for the better Setling the militia and for the Repealing all former Acts relating to the same, presented the said Bill this day to his Excellency in Councill which was read and

Ordered, that the Attorney Generall do carry the same to the house of Representatives for their Concurrence.

The Bill for Levying and Collecting the sume of £1800 for the raising 150 fuzileers with their proper officers for 5 mo and 30 men with their proper officers for sixty two dayes for the Defence of the ffrontiers was according to the order of the day read the second time.

Killian van Ranslaer and Thomas Willet Esqrs from the house of Representatives layd before this board a Bill for destroying of Wolves within this Colony which was read the first time.

Adjourned till 3 of the Clock in the afternoone.

Post Meridiem.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH, PETER SCHUYLER, SA: SH: BROUGHTON, Esqrs

Wm LAWRENCE, RIP VAN DAM, CALEB HEATHCOTE, Esqrs

Adjourned till Eight of the Clock to morrow morning.

At a Councill held at Jamaica in Queens County, this 7th day of 9ber, 1702

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH, SA: SH BROUGHTON, Wm LAWRENCE, Esqrs

RIP VAN DAM, CALEB HEATHCOTE, Esqrs

The Bill for the Levying and Collecting the sume of £1800 for the raising paying and mainteining 150 fuzileers with their proper officers for 5 mo and 30 men with their proper officers to be imployed as Scouts 62 dayes for the defence of the ffrontiers was read the third time.

Resolved, the sd Bill do passe the Councill.

His Excellency gave the Assent to this Bill; Enacting it and ordering it to be Enrolled and his Excellency was further pleased to order that the house of Representatives be acquainted that her Majties Councill had passed the said Bill and that his Excellency has also been pleased to give her assent thereto and since that for performing the service in the said act directed there will be imediate occasion (for endeavouring to procure a loan of money therein mentioned his Excellency intends this day at 12 of the Clock before the Court house of this County) to publish the sd Act, and therefore directs that the members of the house of Representatives do then and there attend to see the same performed as hath been usuall and

Ordered, that the Attorney Genll do carry the said Message. Which having been done

John Abeell and John Jackson Esqrs acquainted his Excellency in Councill that the house of Representatives will attend his Excellency at the time and place appointed in his Excellencys Message to them.

The Bill for Destroying of Wolves within this Colony was read the second time and Comitted to the whole Councill or any three of them.

Ordered, that the Mayor of the city of New York attended with the Comon Councill of the said City do Cause the Act for Levying and Collecting the sume of £1800 &ca to be published at the City hall of the said City with all possible Expedition

Adjourned till Munday morning ten of the Clock

9th 9ber 1702. Adjourned till to morrow morning ten of the Clock

At a Councill held at Jamaica in Queens County this 10th *day of* 9ber, 1702.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH, PETER SCHUYLER, SA: SH: BROUGHTON, Wm LAWRENCE, } Esqrs

GERRARD BEEKMAN, CALEB HEATHCOTE, } Esqrs

Collo Wm Smith Chairman of the Comittee of the Councill to whom the Bill for destroying Wolves within this Colony was Comitted Does Report from the sd Comittee that the sd Bill ought to passe without any amendment.

The Bill for destroying of Wolves within this Colony being read the third time

Resolved, the Bill do passe the Councill

Adjourned till three of the Clock afternoone.

Post Meridiem.

Adjourned till Eight of the Clock to morrow morning

At a Councill held at Jamaica this Eleaventh day of November, 1702.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

WILLIAM SMITH, PETER SCHUYLER, WILLIAM LAWRENCE, } Esqrs

GERRARD BEEKMAN, CALEB HEATHCOTE, } Esqrs

A Bill for preventing doubts and mistakes and for Continuing processe and Judiciall proceedings having been prepared and layd before this board was read the first second and third time

Resolved, the same do passe the Councill and be carried down to the house of Representatives for their Concurrence and ordered that Collo Beekman do carry the same.

Adjourned till three in the afternoon

Post Meridiem.

PRESENTIBUS — *Eisdem.*

Joseph Purdy and Abraham Lakerman from the Assembly layd before this board the Bill for preventing doubts and mistakes and for Continuing processe and Judiciall proceedings to which the house of Representatives had agreed without amendment.

Adjourned till Eight of the Clock to morrow morning.

At a Councill held at Jamaica in Queens County this 12th *day of November*, 1702.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH, PETER SCHUYLER, SA: SH BROUGHTON, } Esqrs

Wm LAWRENCE, GERRARD BEEKMAN, CALEB HEATHCOTE, } Esqrs

Ordered, that a Message be sent to the house of Representatives to acquaint them that his Excell is directed by his Instructions to recomend to them the passing a Law for Setling the value of mens Estates either in goods or Lands under which they shall not be capable of serving as Jurors and that Collo Heathcote do Carry the same.

Sent to the Assembly

The Attorney Generall according to an order of the 21th Sber last layd before this board a Bill for the better discovery of the debts of the Goverment which was ordered to lye on the table for further Consideration.

At a Councill held at Jamaica in Queens County this 13th *day of November*, 1702.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH,	Esqrs	GERRARD BEEKMAN,	Esqrs
SA: SH: BROUGHTON,		CALEB HEATHCOTE	
Wm LAWRENCE,		JOHN BRIDGES Dor of Laws.	

The members of her Majesties Councill being duly sensible of great and unusuall Charge that has unavoidably accrued by his Excellency's Journey into the provinces of East and West New Jersey for the proclaiming of her Most sacred Majtie as well as the charge of Additionall presents to the Indians, hire of sloops and other vessells as also of his said Excellencies transporting of himself and ffamily twice this Sūmer to and from the frontiers of Albany their to meet and treat with the neighbouring Indians as well as to forward, direct and Incourage the carrying on the new ffortifications there designed and begun and that since by reason of a great sickness and mortality lately happening in the City of New York his Sayd Excellency has by advice of this board been obliged to transport himself and ffamily to the Town of Jamaica in Queens County on Nassaw Island and there to continue during the Sitting of the Generall assembly, The members of her Majties Councill are humbly of opinion that all such charges which have been necessarily Expended in his Journey to the Jerseys as well as from the time he transported himself from his Majties fort at New York ought to be allowed his said Excellency to the time his sayd Excelleney shall return to New York again and well knowing the state of her Majties Revenue here by the late mismangment and undue Application thereof is brought so greatly in debt that such charge and Disbursements cannot be in a long time payd out of the sayd fund they do therefore pray his Excellency the Governor will please to direct that an account thereof may be lay'd before this board and that his sayd Excellency will also please to give leave to her said Majties Councill to recomend the Consideracōn of this matter to the house of Representatives now Conveened that some other fund may be found by which such disbursements may be speedily payd

His Excellency was pleased to give leave to the Councill to Recomend this matter to the house of Representatives and ordered Doctor Bridges to carry the said message

Adjourned till nine of the Clock to morrow morning

At a Councill held at Jamaica in Queens County this 14th *day of November*, 1702.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH,	Esqrs	GERRARD BEEKMAN,	Esqrs
SA: SH: BROUGHTON,		CALEB HEATHCOTE,	
Wm LAWRENCE,		JOHN BRIDGES Dor of Laws,	

Phillip ffrench and Jacobus Courtlandt Esqrs brought a Message from the house of Representatives addressing his Excell that the said house be adjourned to the City of New York.

His Excellency hath Consented to the said Addresse, and hath ordered a proclamation to issue for adjourning the assembly from the town of Jamaica to the City of New York there to meet and sitt on Munday next at two of the Clock in the afternoon And

Proclamation.

Ordered, that Collo Smith acquaint the house of Representatives therewith.

Doctor Bridges acquainted this board that he had Dd the order made yesterday by this board to the house of Representatives.

Post Meridiem.

Wm SMITH,	Esqrs	GERRARD BEEKMAN, Esqr
SA: SH: BROUGHTON,		JOHN BRIDGES Dor of Laws.
Wm LAWRENCE,		

Adjourned till Munday next two of the Clock afternoon.

16th November 1702 Adjourned till to morrow morning ten of the Clock

At a Councill held at fort Wm Henry in New York the 17th *day of November*, 1702.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH, Sa: Sh: BROUGHTON, } Esqrs — RIP VAN DAM, Esqr; JOHN BRIDGES Dor of Laws.

The rest out of Town

His Excellency having been pleased to acquaint this board that he hath been by Sundry persons Informed from both Countrey and City that upon the apprehension of being detached for her Majties service on the ffrontiers a great number of young men persons most fitt for that service and who could be best spared have left the places of their usuall Residence & have Conveyed themselves some out of the province and others of them into such parts thereof where they think themselves not lyable to be taken for that service that unlesse some way can be found to remedy this mischief whenever it is necessary for her majties service and the preservation of this province to make such detachments It must consequently fall upon such persons who are least fitt and can be worst spared flor Remedy whereof his Excellency prayes the advice of this board Who on due Consideration thereof are humbly of opinion that the same be Recomended to the house of Representatives that some clause be added to the bill for the Regulation of the Militia as may be effectuall to remedy the same for the future. and are of opinion that such persons as shall soe absent themselves ought to be lyable to some Considerable fine and that in case any such persons can be found in any other counties than such as where they usually Reside and are Listed in and can be taken by any person detached in that County where they shall be found such persons who shall take such deserter shall be Excused serving upon that Detachment and such person as is taken shall be obliged to serve in his stead. his Excellency is also pleased to acquaint this board that for want of the perfecting the Bill Establishing the Militia he cannot take proper measures of supplying the frontiers with men as is designed by the Bill lately passed for that purpose. This board are therefore humbly of opinion that the Consideration thereof be also Recomended to the house of Representatives desiring them to Expediate the perfecting of that Bill the season of the yeare being very farr spent. And

Ordered, that Rip van Dam Esqr do carry the said minute to the house of Representatives.

Gerrard Beekman Esqr took his place at this board.

Adjourned till four of the Clock in the afternoon.

Post Merid.

Adjourned till to morrow morning ten of the Clock

18th November 1702 Adjourned till to morrow morning ten of the Clock

At a Councill held at ffort Wm Henry, this 19th *day of November*, 1702.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Sa: Sh: BROUGHTON, GERRARD BEEKMAN, RIP VAN DAM, } Esqrs — CALEB HEATHCOTE, Esqr; JOHN BRIDGES, Dor of Laws.

Myndert Schuyler and Evert Banker Esqrs from the house of Representatives layd before this board A Bill for the better setling the Militia of this province and making it more usefull for the security and defence thereof and for Repealing all former acts heretofore made in this province relating to the same which was read the first time and ordered a second Reading in the afternoone.

Post Meridiem.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH, Sa: Sh: BROUGHTON, RIP VAN DAM, } Esqrs — CALEB HEATHCOTE, Esqr, JOHN BRIDGES, Dor of Laws,

The Bill for the better settling the Militia of this province &c was read the second time and Comitted to the Councill or any three of them.

His Excellency layd before this board A Bill for Encouragment of a Grammar Free Schooll in the City of New York which was Dd to him by members of the house of Representatives appointed to do the same which was read the first and second time and Comitted to the members of this board or any three of them.

Adjourned till to morrow morning ten of the Clock.

At a Councill held at ffort Wm Henry, this 20th *day of November*, 1702.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH,	Esqrs	CALEB HEATHCOTE, Esqr,
SA : SH BROUGHTON,		JOHN BRIDGES, Dor of Laws.
RIP VAN DAM,		

Collo Wm Smith Chairman of the Comittee of the Councill to whom the Bill for the better Setling of the Militia of this province &c was Comitted does Report to this honoble Board that the penalties layd upon severall defaults and deficiencies in the said Bill mentioned are as they humbly conceive too small to reduce into good order and method the Militia aforesaid Yett they neverthelesse are humbly of opinion that since his Excellency the Govr will be Imediately obliged to detach some part of the said Militia for the service and security of the ffrontiers which cannot be Conveniently performed without the said Bill be passed into a Law and that the season of the yeare is now so farr spent that it will not admitt off any long debate. Wee are humbly of opinion that the said Bill do passe without any amendment alwayes hoping that such Inconveniences as shall occurr to his Excellency in making such detachments will be hapily and effectually Remedied upon the next sitting of this assembly.

Which Report being read and approved of

The said bill was read the third time.

Resolved, the Bill do passe the Councill.

Then his Excellency gave the assent to the said Bill enacting it and ordering it to be enrolled under the seale of the province.

A Bill for the better Support and Mainteining of the Poor in the City of New York for the future was layd before this board by his Excellency the same having been Dd to him by members of the house of Representatives appointed thereunto and read the first and second time and Comitted to the members of this board or any three of them.

Collo Wm Smith Chairman of the Comittee of the Councill to whom the Bill for Encouragment of a Grammar Free Schooll in the City of New York was Comitted by this board for Report does humbly offer to his Excellency that upon perusall of that part of his Excellencies Instructions relating to Schooll masters within this Colony In the words following: That no Schooll master be permitted to come from England and to keep a schooll within this province without the License of the *Right Reverend* ffather in God Henry Lord Bishop of London and that no person now there or that shall come from other parts be admitted to keep Schooll without your Lycense first obteined Wee are humbly of opinion his Excellency ought not to passe the said Bill otherwise than is directed by that Clause of his Excellencies Instruction and that it be Recomended to the house of Representatives to make such amendments in the said Bill as is agreeable thereunto And

Ordered, that Collo Heathcote do carry the same.

Adjourned till ten of the Clock to morrow morning.

At a Councill held at ffort Wm Henry, this 21th *day of November*, 1702.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH,	Esqrs	CALEB HEATHCOTE, Esqr
SA : SH : BROUGHTON,		JOHN BRIDGES, Dor of Laws.
RIP VAN DAM,		

Collo Wm Smith Chairman of the Comittee of the Councill to whome the Bill for the Better Support and mainteinance of the Poor in the City of New York for the future was Comitted does report to this honoble board that the said Bill do passe without any Amendment.

Which being read and approved of.

The said Bill was read the third time and passed the Councill.

A Bill for the Repealing severall Acts of Assembly and declaring other Ordinances published as Acts of Assembly to be void having been Dd to his Excellency by members of the house of Representatives appointed thereunto and layd before this board by his Excellency was read the first time.

Adjourned till Munday nine of the Clock in the morning.

23th Adjourned till to morrow morning ten of the Clock

At a Councill held at ffort Wm Henry this 24th *day of November*, 1702.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH, SA: SH BROUGHTON, GERRARD BEEKMAN, } Esqrs

RIP VAN DAM, CALEB HEATHCOTE, } Esqrs

The Bill to enable the City of New York to supply the vacancy of such Elective magistrates and other publick officers as may dye, remove or otherwayes be Incapacitated to serve before the time of the annuall Election being layd before this board by his Excellency the same having been Dd him by members of the house of Representatives appointed thereunto was read the first and second time and Comitted to the members of this board or any three of them.

Adjourned till to morrow morning ten of the Clock.

At a Councill held at ffort Wm Henry this 25th *day of November*, 1702.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH, SA: SH: BROUGHTON, GERRARD BEEKMAN, } Esqrs

RIP VAN DAM, CALEB HEATHCOTE, } Esqrs

Colle Wm Smith Chairman of the Comittee of the Councill to whom the Bill for encouragment of a Grammar Free Schooll in the City of New York was Recomitted does report to this honoble board. That all be left out after the words [Queen Mary] in the tenth line of the second Sheet and instead thereof the following provisoe to be Inserted—Provided allwayes that such Schooll master if Chosen from England then to be Licensed by the Right Reverend ffather in God the Lord Bishop of London and approved of by the Govr or Comander in Chief of this province for the time being, and in case any fitt person shall be here found for the discharge of that duty as well as upon any Vacancy that may hereafter happen upon the death absence or disability of such Schooll master that then and in such case the Comon Councill of the City of New York for the time being shall and may Recomend to the Govr or Comander in Chief of this province for the time being such fitt person qualified as is aforesaid for License and approbation Which is allwayes to be had and obteined before such Schooll master be Intituled to the Sallary aforesaid any thing herein conteined to the Contrary thereof in any wise notwithstanding

Which Report being read and approved of The said Bill together with the said amendments being read the third time is passed the Councill and ordered to be sent down to the house of Representatives for their Concurrence to the sd amendmt and Mr Attorney Generall ordered to carry the same Which was done.

His Excellency layd before this board A Bill for Granting unto her Majesty the sume of £2000 to be applyed (with her Majties good pleasure to the uses in this act mentioned.

A Bill for Enforceing and Continuing the act for encouraging a *post office* in this province of New York 4 yrs and one half yeare from the month of Aprill 1700.

A Bill to Enable the Mayor Aldermen and Comonalty of the City of New York for the time being to raise money upon the ffreeholders and Inhabitants thereof for defraying their publick and necessary Charges Annually the same having been Dd to his Excellency by members of the house of Representatives appointed thereunto.

Which were Read the first and second time and Comitted to the members of this board or any three of them.

Phillip ffrench Esqr from the house of Representatatives desires a Conferrence with the Councill upon the amendments of the Bill for Incouragment of a Grammar Free Schooll &c.

The Gentl of the Councill did agree to the sd Conferrence, and order that Colle Wm Smith, Sampson Shelton Broughton Esqr and Colle Caleb Heathcote do manage the same and that they meet the Comittee of the house of Representatives in order thereunto this afternoon between three and four of the Clock at the house of the sd Mr ffrench.

Post Meridiem.

PRESENTIBUS — *Eisdem.*

Coll° Wm Smith Chairman of the Comittee of the Councill to whome the Bill for granting unto her Majtie the sume of £2000 to be applyed (with her Majties good pleasure) to the uses in this Act mentioned was Comitted for report does humbly offer to his Excellency and this board that the sume of £2000 being thereby granted to her Majtie for the use therein mentioned the said Bill ought to passe without any amendment.

Which report being read and approved of The said Bill was read the third time and passed the Councill, and

Ordered, that the house of Representatives have notice of the passing of this Bill.

Coll° Wm Smith Chairman of the Comittee of the Councill to whom the Bill for enforceing and Continueing the Act for encouraging a *post office* in this province of New York four yeares and one half yeare from the month of Aprill which is in the yeare 1700 was Comitted does report to his Excellency and this Board that the said Bill ought to passe without any amendment.

Which Report being read and approved of the said Bill was read the third time and passed the Councill and ordered that the house of Representatives have notice of the passing of this Bill.

Coll° Wm Smith Chairman of the Comittee of the Councill to whom the Bill to enable the Mayor Aldermen and Comonalty of the City of New York for the time being to raise money upon the ffreeholders and Inhabitants thereof for defraying their publick and necessary Charges annually was Comitted does Report to this honōble Board That the said Bill ought to passe without any amendment.

Which Report being read and approved of The said Bill was read the third time and passed the Councill.

Ordered, that the house of Representatives have notice of the passing of this Bill, and of all other Bills which have passed the Councill this Session.

Sampson Shelton Broughton Esqr Chairman of the Comittee of the Councill to whom the Bill to Enable the City of New York to Supply the vacancy of Such Elective Magistrates and other Publick officers as may dye Remove or otherwayes be Incapacitated to serve before the time of the annuall Election was Comitted does Report to this honoble board. That after the title of the said Bill and before the words [Be it Enacted] these words be Inserted [Whereas it hath been found very hurtfull and prejudiciall to the City of New York and obstructive to the affaires and governmt thereof that upon the Death removall or other Disability of any Elective Magistrate or officer of the said City there is not Sufficient power and authority in the said City or any the members thereof to fill up the room or place of the Magistrate or officer so dying removing or being disabled with some other fitt and honest person untill the annuall day of Election of Magistrates and officers for the City aforesaid comes about by reason the Charter of the said City appointing the same is short and defective therein for supply and amendment whereof.

Which Report being read was approved of And the said Bill together with the amendment being read the third time is passed the Councill and ordered to be sent down to the house of Representatives for their Concurrence to the sd Amendment, and that the Att Genll do carry the same

Adjourned till nine of the Clock to morrow morning

At a Councill held at ffort Wm Henry this 26th day of November, 1702.

PRESENT— *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH, SA: SH: BROUGHTON, GERRARD BEEKMAN, } Esqrs

RIP VAN DAM, CALEB HEATHCOTE, } Esqrs

Coll° Wm Smith Chairman of the Comittee of the Councill appointed to meet a Comittee of the house of Representatives on the amendment to the Bill for Incouragmt of a Grammar Free Schooll &c does report to his Excellency in Councill that the sd Comittee have mett and have agreed to the amendment to the said Bill as followeth vizt: That Instead of the last provisoe made by the Councill as an amendmt to the sd Bill these following words be Inserted [Provided allwayes that such Schoollmaster shall from time to time as a vacancy happens be Chosen and Recomended by the Comon Councill of the said City for the time being in order to be Licensed and approved by the Right honoble the Bishopp of London for the time being or the Governor or Comander in Chief of this province for the time being any thing herein Conteined to the Contrary thereof in any ways notwithstanding.]

Which was approved of and

Ordered, that the same be sent down to the house of Representatives for their Concurrence to the sd Amendmt & that Rip van Dam Esq do carry the same

Collo Jacobus Cortlandt from the house of Repr'sentatives layd before this board a Bill to enable the City of New York to supply the vacancy of such Elective Magistrates &c the house of Representatives having Consented to the amendments made by this board.

Ordered, the said Bill be amended accordingly by the Clark of the Councill.

The said Jacobus Cortlandt also layd before this board a Bill for Regulating of Slaves, which was read the first and second time, and Comitted to this board or any three of them.

Adjourned till three of the Clock afternoone

Post Meridiem.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY,

Wm SMITH, SA: SH: BROUGHTON, RIP VAN DAM, } Esqrs

CALEB HEATHCOTE, Esqr
JOHN BRIDGES Dor of Laws.

Collo Wm Smith Chairman of the Comittee of the Councill to whom the Bill for Regulating of Slaves was Comitted does report to this honoble Board that since it cannot be forseen what Inconveniences may happen in the putting of the Said act in Execution, the said Comittee are of opinion that the said Bill ought to passe only for one yeare

Which Report being read and approved of and the Said Bill together with the amendment being read the third time is passed the Councill and ordered to be Carried down to the house of Representatives for their Concurrence to the sd amendment and that Rip van Dam Esqr carry the same.

Phillip ffrench Esqr layd before this board from the house of Representatives the Bill for appointing and Enabling Comrs to take state and Examine the accts of the Revenue of this Colony and the necessary Contingent Charge of the Goverment, which was read the first and second time and Comitted to the Councill or any three of them.

The Bill for Repealing severall acts of Assembly and declaring other ordinances published as acts of Assembly to be void was read the second time and Comitted to the members of this board or any three of them.

Adjourned till nine of the Clock to morrow morning.

At a Councill held at fort Wm Henry this 27th 9ber, 1702.

PRESENT — *His Excelleney* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH, SA: SHELTON BROUGHTON, GERRARD BEEKMAN, } Esqrs

RIP VAN DAM, CALEB HEATHCOTE, } Esqrs

His Excellency layd before this board A Bill for Continuing the Revenue, and A Bill against forging Counterfieting and Clipping of fforeign Coine which is currant money in the Colony of New York, the same having been Dd to his Excellency by members of the house of Representatives appointed to do the same.

The Bill for Continuing the Revenue was read the first second and third time and passed the Councill.

The Bill against forging, Counterfieting &c was read the first and second time and Comitted to the members of this board or any three of them.

Collo Wm Smith Chairman of the Comittee of the Councill to whom the Bill against forging Counterfieting &c was Comitted does Report from the said Comēe that the said Bill do passe without any amendment.

Which Report was approved of and the said Bill read the third time and passed the Councill.

Collo Wm Smith Chairman of the Comittee of the Councill to whom the Bill for Repealing severall Acts of Assembly and declaring &c was Comitted, does report from the sd Comēe: That upon due perusall and Consideōn of the severall Acts by the sd Bill repealed, we are humbly of opinion, that the sd Bill ought to passe without any amendmt. But we do neverthelesse think it our duty humbly to offer to yor Excell that by one of the said Acts Entituled, An Act for granting an additionall duty to her Majtie for one yeare longer there is granted to his then Majtie for two yeares ending in August next certain additionall Impositions upon sundry goods and merchandizes but that there is all [*Remainder torn off.*]

* *Ordered*, the Clerk of the Council do acquaint the House of Representatives, to attend his Excellency in Council at Fort William Henry, immediately.

* From this to the end of this session, is added from the Assembly Journal.

Accordingly the Speaker, with the House, attended his Excellency in Council, where his Excellency was pleased to give his Assent to the several Bills following, viz:

An Act for granting unto her Majesty the sum of Two Thousand Pounds

An Act for continuing the Revenue.

An Act, for appointing Commissioners, to take, state, and examine, the Accounts of the Revenue

An Act for Destroying of Wolves in this Colony

An Act for continuing Process and judicial Proceedings.

An Act, for Settling the Militia of this Province.

An Act, for Encouragement of a Grammar Free-School in the City of New York

An Act, for the Support and Maintenance of the Poor, in the City of New York

An Act to Enable the City of New York to supply the Vacancy of Magistrates

An Act for Encouraging the Post-Office

An Act, to enable the City of New York, to defray their publick and necessary Charges.

An Act, for regulating Slaves.

An Act, against forging and Clipping of foreign Coins.

An Act, for the Repealing several Acts of Assembly

Then his Excellency adjourned the Assembly untill the first Tuesday in Aprill next, and the Assembly is adjourned accordingly.

NINTH ASSEMBLY SECOND SESSIONS.

At a Councill held at ffort Anne, this Eighth day of Aprill, 1703.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH, PETER SCHUYLER, GERRARD BEEKMAN,	Esqrs	RIP VAN DAM, CALEB HEATHCOTE,	Esqrs

Adjourned till six afternoon.

At A Councill held at her Majties ffort in New York, this 13th *day of Aprill*, 1703.
Post Meridiem.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, SA: SH: BROUGHTON, Wm LAWRENCE,	Esqrs	GERRARD BEEKMAN, RIP VAN DAM,	Esqrs
		JOHN BRIDGES, Dor of Laws.	

His Excellency ordered the Clark of the Councill to acquaint the house of Representatives that he Desired their attendance Imediately Which being done,

And the Speaker with the sd house being present in the Councill Chamber his Excellency sayd,

Gentlemen,

I am glad to see so many of you now met together, in pursuance of the Adjournment in November last, and I do not at all doubt, but that you came resolved to do, whatever shall be found necessary for the Advancement of the Interest, of the great Queen of England my Mistress, and for the Good and Welfare of your Country, which are both one; you did in November last, grant a considerable Sum of Money to her Majesty, for the paying of such a Number of Men, as was thought necessary to be sent up to Albany, for the Defence of the Frontiers this last Winter; which Service hath been performed, tho' I must observe to you, that the Supplies granted for that Purpose, have as yet come in but very slowly; I think it proper to acquaint you, that Two of the Acts passed last November, will require your further Consideration; the First is, An Act, for the better settling the Militia of this Province; the Second is, An Act, for appointing and enabling Commissioners, to take, state and examine, the Accounts of the Revenue, of this Colony, and the necessary contingent Charge of the Government: The First, contains an enacting Clause, which lays a Penalty of Six Pounds, upon any Person that shall be detached out of the Militia,

and shall not appear at the Time and Place appointed, and perform the Service required of him, to be applied to the Use of him who is a Defaulter; this Penalty is to be recovered in the Courts of Pleas, which sits so seldom, that the Offenders conceive great Hopes that their Offences may be forgotten, before the time comes for recovering their Forfeitures; therefore I think it would be convenient, that a more speedy Method may be provided for recovering the said Penalty, which will make Men more cautious of Offending, and will be a better Encouragement to those that ought to reap the Benefit of such Forfeitures. In the other Act, you have appointed Gentlemen very capable of Executing the Trust reposed in them, but for Want of a Power sufficient to compel People, to lay such Books and Papers before them, as are necessary to enable them, to lay before you such a Report, as you may reasonably expect from them, I fear great Part of their Labour may prove fruitless, therefore recommend it to you, to consider, whether it will not be proper, by a short Bill, to vest them with such a Power, as may enable them to perform the Services expected from them. Gentlemen, I must acquaint you, that since your Adjournment, I have received Information, that the French intend to attack this Place, by Sea this Summer. I think, the best Way to prevent that Design will be, to erect two Batteries of Guns at the Narrows, one on each Side, which, I believe, is the only Way, to make this Port safe; I have ordered an Estimate to be made, of what that Charge may amount to, which shall in a few Days, be laid before you. I must likewise recommend it to the Care of you, Gentlemen, of the House of Representatives, to provide Funds, for carrying on the Fortifications at Albany, and other Places on the Frontiers, least for Want of them, the Farmers of those Parts should desert their Habitations, as they have formerly done. I wish, Gentlemen, you would think of a Bill, for the better ascertaining and preserving the Highways in this Colony; I must again, recommend to you, the preparing a Bill, to prevent the distilling of Rum, and the burning of Oystershells into Lime, within this City; I have great Reason to believe, that both these Things, did contribute very much, to the Increase of that fatal Distemper, the City was unhappily visited with last Summer; I do not doubt, but several other Things will occur to your Thoughts, which may require the passing of wholesome Laws. I am glad of this Opportunity, to assure you, that you shall always find me ready to assent, to all such Bills, as shall be necessary for the promoting and advancing the Trade and Welfare of this Colony.

Gentlemen, it is with a great deal of Pleasure, that I take this Opportunity to acquaint you, that the Arms of the Queen and her Allies, have every where in Europe, been blessed with great Success, and particularly at the Port of Vigo, in Spain; where her Majesty's Fleet and Army, have destroyed and taken fifteen Sail of capital French Ships of War, and seventeen Spanish Galleons, with great Riches.

Gentlemen, I have nothing more to recommend now to you, but the Dispatch of the Business before you, that I may be at Liberty, to attend the Service of the Queen, in other Parts of this Province.

Then the Generall assembly withdrew.

John Abeell and Abraham Lakerman Esq^{rs} from the house of Representatives Desired that fflorus Crow the Representative Elected for the County of Orange may take the oath appointed by Act of Parliament to be taken instead of the oaths of Allegiance and Supremacy and Subscribe the Test before this board, which was done & they withdrew.

Adjourned till Eleaven to morrow morning.

At a Council held at ffort Anne this 27th *day of Aprill*, 1703.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

SA : SH : BROUGHTON, GERRARD BEEKMAN, RIP VAN DAM, } Esq^{rs} — CALEB HEATHCOTE, JOHN BRIDGES, } Esq^{rs}

His Excellency layd before this board a Bill to Enable the Justices of the Peace for the City and County of Albany to repaire or to rebuild a Comon Goale and City and County hall for the s^{d} City and County and to pay their arreares of their publick Charge the same having passed the house of Representatives and brought up and Dd to his Excellency by members thereof appointed by the said house for that purpose.

This Bill was read the first time and ordered a second Reading.

Post Meridiem.

PRESENTIBUS — *Eisdem.*

Stephen Delancey and Abraham Lakerman Esq^{rs} from the house of Representatives layd before his Excellency in Councill A Bill to enable the Minister and Elders for the time being of

the ffrench Protestant Church in the City of New York to build a larger Church for the worship of Almighty God in that Congregation to hold to them and their successors for ever the same having passed the said house.

Which Bill was read the first time and ordered a second Reading.

Adjourned till to morrow morning Eight of the Clock.

At a Councill held at ffort Anne, this 28th *day of Aprill*, 1703.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

SA: SH: BROUGHTON, Wm LAWRENCE, GERRARD BEEKMAN, } Esqrs

RIP VAN DAM, CALEB HEATHCOTE, JOHN BRIDGES, } Esqrs

The Bill to enable the Justices of the Peace for the City and County of Albany to repaire or to Rebuild a Comon Goale and City and County hall for the said City and County, and to pay their arreares of their Publick Charge, and the Bill to enable the Minister and Elders for the time being of the ffrench Protestant Church in the City of New York to build a larger Church for the worship of Almighty God in that Congregation to hold to them and their successors for ever was read the second time and Comitted to the members of this board or any three of them.

Adjourned till to morrow morning ten of the Clock.

At a Councill held at ffort Anne this 29th *day of Aprill*, 1703.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

SA: SH: BROUGHTON, Wm LAWRENCE, RIP VAN DAM, } Esqrs

CALEB HEATHCOTE, JOHN BRIDGES, } Esqrs

Sampson Shelton Broughton Esqr Attorney Generall of this province Chairman of the Comittee of the Councill to whom the Bill to Enable the Minister and Elders for the time being of the ffrench protestant Church in the City of New York to build a larger Church for the worship of Almighty God in that Congregation to hold to them and their successors for ever And the Bill to Enable the Justices of the peace for the City and County of Albany to repair or to Rebuild a Comon Goale & City and County hall for the sd City and County and to pay the arrears of their publick Charge, was referred does report to this board that the sd Comée have gone through the sd Bills and have directed him to report the same without any amendment

Which Report being read was approved of

Ordered, the said Bills be read the third time which having been Done

Resolved, the same do passe the Councill.

Adjourned.

At A Councill held at ffort Anne this fourth day of May, 1703.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

SA: SH: BROUGHTON, GERRARD BEEKMAN, RIP VAN DAM, } Esqrs

CALEB HEATHCOTE, JOHN BRIDGES, } Esqrs

His Excellency layd before this board the Bill for prohibiting the distilling of Rum and burning of Oyster shells into Lime within the City of New York or within half a miles distance of the City hall of the sd City, and the Bill for Impowering Justices of the peace to hold pleas of Debt and Trespasse of small value, the same having been brought to his Lordship by members of the house of Representatives appointed thereunto which were read the first time and ordered a second reading.

Adjourned till to morrow morning.

At a Councill held at ffort Anne in New York this 5th day of May, 1703.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH, SA: SH: BROUGHTON, GERRARD BEEKMAN, } Esqrs
CALEB HEATHCOTE, JOHN BRIDGES, } Esqrs

The Bill for prohibiting the Distilling of Rum & Burning of Oyster shells into Lime within the City of New York or within half a miles Distance of the City hall of the said City was read the second time and Comitted to the members of this board or any three of them.

The Bill for Impowering Justices of the peace to hold pleas of Debt and Trespasse of small value read the second time and Comitted to the Chief Justice the Attorney Generall and second Justice who are hereby required to Consider of that part of the Ordinance made for Erecting and Establishing Courts of Judicature in this province made in the yeare 1699 relating to the Impowering Justices of the peace to determine Causes and Cases of Debt under 40s & prepare such Clauses as may answer the defects proposed to be remedied by the said Bill and lay the same before this board as soon as possible.

Adjourned till to morrow morning.

At A Councill held at ffort Anne this 7th May, 1703.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH, PETER SCHUYLER, SA: SH: BROUGHTON, } Esqrs
RIP VAN DAM, CALEB HEATHCOTE, JOHN BRIDGES, } Esqrs

Killian van Ranslaer and John Abeel Esqrs of the house of Representatives layd before his Excellency in Councill a Bill for taking off the duties payd on goods carried up Hudsons river & Setling an Equivalent for the same which was read the first time and orderd a second Reading.

Ordered, that the Comrs for managing the office of Collector and Receiver Generall of this province do lay before this board an account of what the duties payd on such goods do amount unto *Communibus annis,* as also an Estimate of what the duty Setled by the said Bill in lieu thereof may amount unto and lay the same before this board as soon as possible

Adjourned till to morrow morning

At a Councill held at ffort Anne this Eighth day of May, 1703.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

WILLIAM SMITH, PETER SCHUYLER, } Esqrs
SA: SH: BROUGHTON, RIP VAN DAM, } Esqrs

His Excellency layd before this board a Bill for the laying out Regulating Clearing and preserving publick Comon highways throughout this Colony, the same having been Dd to his Lordship by members of the house of Representatives appointed to do the same which was read the first time and ordered a second reading and that the said Bill do ly in the mean time on the table for the members of this board to peruse.

Adjourned till Munday morning

At a Councill held at ffort Anne this 11th day of May, 1703. Post Meridiem.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH, PETER SCHUYLER, SA: SH: BROUGHTON, } Esqrs
Wm LAWRENCE, GERRARD BEEKMAN, } Esqrs

The Bill for laying out Regulating Cleering and preserving publick Comon highways throughout this Colony was read the second time and Referred to the Councill or any three of them.

At a Councill held at ffort Anne this 13th *day of May*, 1703.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH, PETER SCHUYLER, SA: SH: BROUGHTON,	Esqrs	Wm LAWRENCE, GERRARD BEEKMAN, CALEB HEATHCOTE,	Esqrs

His Excellency layd before the board a Bill for the better Explaining and effectuall putting in Execution An Act of Generall assembly Intituled, An Act for defraying of the publick and necessary Charge throughout this province and for mainteining the Poor and preventing Vagabonds the same having been Dd to him by members of the house of Representatives appointed thereunto, which was read the first time and ordered a second Reading.

Bayard & Hutchins The petition of Collo Nicholas Bayard and Alderman John Hutchins was read and granted and

Ordered, that the Attorney Generall do prepare a Bill as desired.

Adjourned till to morrow morning

At a Councill held at ffort Anne this fourteenth day of May, 1703.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH, PETER SCHUYLER, SA: SH: BROUGHTON,	Esqrs	Wm LAWRENCE, RIP VAN DAM, CALEB HEATHCOTE,	Esqrs

Whereas there has been dispersed in this province very lately Severall prints from England Intituled, *The Case of William Atwood Esqr late Chief Justice of this province & Judge of the Vice Admiralty*, Conteyning severall false Scandalous malitious and notorious untruths with unjust Reflexions on the persons in the present Admicōn of this goverment and a great number of the Chief & principall Inhabitants of this province Contrived on purpose as is supposed to Inflame those differrences and divisions which his male admicōn greatly Incouraged and Countenanced in this province, as also some other papers and petitions notoriously false and signed by severall persons in this Colony And Whereas the Generall assembly of this sd Colony happens now to be in Convention The Gents of her Majties Councill do humbly pray of his Excellency the Governor that the said Case together with such other papers as have Relation thereunto may from this board be Recomended to the house of Representatives and that they may be desired to take the same into due Considcōn, that the manifold falsehoods therein may be detected and made manifest by such wayes and meanes as they shall think most agreeable to Justice.

Atwood's case

His Excellency is pleased to Concurr with the Gents of the Councill therein and to give them leave to lay the same before the said house of Representatives, and Rip van Dam Esqr is hereby Desired to Carry the same to the sd house

Adjourned till Munday morning

At a Councill held at ffort Anne, this 17th *day of May*, 1703.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH, PETER SCHUYLER, SA : SH : BROUGHTON,	Esqrs	RIP VAN DAM, JOHN BRIDGES,	Esqrs

Ordered, that Collo Peter Schuyler, Rip van Dam and John Bridges Esqrs be a Comittee of this board to meet the Comittee appointed by the house of Representatives to Consider of the print and papers transmitted from his Excellency and Councill the 14th Instant to the sd house. The said house of Representatives having sent a Message to this board by Mr De Lancy and Mr Renslaer Desiring the same.

Adjourned till to morrow morning.

At a Councill held at ffort Anne, this 18th *day of May,* 1703.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH, PETER SCHUYLER, SA : SH : BROUGHTON, } Esqrs — RIP VAN DAM, JOHN BRIDGES, } Esqrs

Henry Beekman and William Willet Esqrs from the house of Representatives layd before his Excellency in Councill the Bill for the Better and more speedy Recovery of the forfieture of six pounds for persons not appearing upon detachments & performing the service required according to the purport of An Act of genll Assembly of this Colony made in the first year of her Majties reigne Entituled An Act for the better Setling the Militia of this Province &c.

Which was read the first time and ordered a second Reading.

His Excellency layd before this board A Bill for the better Explaining one Act of assembly Entituled, An Act to enable the respective towns within this province to build and repaire their meeting houses and other publick buildings and also to enable the severall Counties of Richmond and Westchester to erect Comon Gooales and other publick buildings for the service of the sd Counties.

Wch was read the first time and ordered to lye on the table to be perused by the Gents of the Councill.

A Bill Intituled, An Act declaring the Illegality of the proceedings against Colle Nicholas Bayard and Alderman John Hutchins for pretended High Treason was prepared and layd before this board by the Att Genll according to the order of the 13th Instant, and read the first and second time and Comitted to the Councill or any three of them.

Adjourned till to morrow morning nine of the Clock.

At A Councill held at ffort Anne, this 19th *day of May,* 1703.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH, PETER SCHUYLER, SA : SH : BROUGHTON, } Esqrs — RIP VAN DAM, Esqr, JOHN BRIDGES, Dor of Laws.

Colle Wm Smith Chairman of the Comittee of the Councill to whom the Bill Intituled An Act declaring the Illegality of the proceedings against Colle Nicholas Bayard and Alderman John Hutchins for pretended High Treason was Comitted Reported from the sd Comittee That these words [and for Reversing and making null and voyd the said Judgments and all proceedings thereon] ought to be Inserted after the word [Treason] in the end of the title of the said Bill and that then the said Bill do passe her Majties Councill.

Which Report was read and approved of and

Ordered, yt the Clark of the Councill do amend the same accordingly which being done & the said Bill being read the Third time

Resolved, the same do passe the Councill, and be sent down to the house of Representatives for their Concurrence, and Dor Bridges desired to carry the same.

The Bill for the better and more speedy Recovery of the fforfieture of six pounds for persons not appearing upon detachments and performing the service required according to the purport of An Act of Generall assembly of this Colony made in the first yeare of her Majties Reigne Intituled, An Act for the better setling the Militia of this province was read the second time and Comitted to the members of this board or any three of them.

Adjourned till to morrow morning.

At a Councill held at ffort Anne, this 20th *day of May,* 1703.

PRESENT — *His Excellency* EDWD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, SA : SH : BROUGHTON, } Esqrs — JOHN BRIDGES, Dor of Laws,

The Gentlemen of her Majties Councill do humbly offer unto his Excellency that a Message may be sent from this board to the house of Representatives desiring their Concurrence with the members of this board in forming and signing an Addresse to her Most sacred Majtie Congratulating the late glorious successe of her Majties arms both by Sea and Land.

Which his Excellency agreed to.
Ordered, that the Attorney Generall do carry the said Message.
Adjourned till to morrow morning.

21th May 1703 Adjourned till to morrow morning.

At a Councill held at ffort Anne, this two and twentieth day of May, 1703.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

SA: SH: BROUGHTON, Wm LAWRENCE, GERRARD BEEKMAN, } Esqrs
RIP VAN DAM, Esqr, JOHN BRIDGES, Dor of Laws.

His Excellency layd before the board the Bill Intituled, An Act Declaring the Illegality of the proceedings against Collo Nicholas Bayard and Alderman John Hutchins for pretended High Treason and for reversing and making null and voyd the said Judgments and all proceedings thereon the same having been Dd to him by members of the house of Representatives appointed thereunto, they having passed the same without any amendment.

His Excellency also layd before the board the Bill Intituled, An Act for the better Establishment of the Mainteinance for the Minister of the City of New York the same having been delivered to him by members of the house of Representatives appointed thereunto which was read the first time and ordered a second Reading.

The Gentlemen of her Majties Councill do humbly offerr to his Excellency if it will not be proper and necessary in an Addresse humbly to represent to her Majtie the great hardshipps this poor province hath laboured under during the late warr and how utterly Impossible it will be for the same to support and defray soe great a Charge as must necessarily arise for the building, erecting and Repairing such fortifications as will be Inevitably necessary for the safety and defence not only of this province but of all her Majties other Territories in North America especially when it comes to be Considered that through the great neglect ill managment and misapplication of the Revenue here by those who lately exercised the power of goverment in this province, the fortifications on the frontiers have been totally decayed and Ruined and her Majties revenue here under a very Considerable debt that our trade and people as well as her Majties Revenue arising by Custome here are also very much diminished by the Charter and proprietary goverments Contigious to this where the Crown hath no Revenue, nor is the trade burdened with any Imposition and where such as desert her Majties service as well of her Majties standing forces here as detachments made in this province are Entertained harboured Concealed Imployed and protected and from whence sundry goods in small parcells are divers times Imported into this province Contrary to the severall Acts of trade. That in Consideration thereof her Majtie will be graciously pleased to succour this province out of her revenue in England and that such money as his late Majtie of Blessed Memory was pleased to direct should be payd out of his Treasury at home for carrying on the said fortifications may be allowed and payd as was thereby directed, and that since we are very sensible what little dependence there is to be had upon the Quotas of the severall adjacent Colonies according to his late Majties order as is aforesaid they having Generally Excused and evaded the payment thereof for such reasons as they have from time to time suggested that her Majtie will Intend her Compassion of the great danger to which this province is Exposed and be pleased to give such effectuall direccōns therein that the said adjacent Colonies may be obliged to Comply therewith, or otherwise as her Majtie in her great wisdom and wonted Clemency shall think fitt, that his Excellency be humbly prayed to lay the same before her Majtie and that he will be also pleased so effectually to represent the matter to her said Majtie and the goverment at home that this poor province may find relief thereby.

Which his Excellency agreed to.

Ordered, that a Message be sent from this board to the house of Representatives desiring their Concurrence with the members of this board in forming and signing the sd addresse and that the Attorney Generall do carry the said Message.

Adjourned till Munday morning.

24th May 1703. Adjourned till to morrow morning.

At a Councill held at ffort Anne this five and twentieth day of May, 1703.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, SA : SH : BROUGHTON, Wm LAWRENCE, GERRARD BEEKMAN, } Esqrs

RIP VAN DAM, CALEB HEATHCOTE, } Esqrs
JOHN BRIDGES, Dor of Laws.

Ordered, that Sampson Shelton Broughton, Caleb Heathcote Esqrs and John Bridges Dor of Laws be a Comittee of this board to meet a Comittee appointed by the house of Representatives to prepare an Addresse to her Most Sacred Majestie Congratulating the late glorious successe of her Majties arms both by Sea and Land, and ordered, that Wm Lawrence Esqr do carry the said message; Thomas Garton & John Jackson Esqrs from the house of Representatives having acquainted his Excellency that the sd house had appointed a Comēe for that purpose on the message sent to them by this board on the 20th Instant.

The Resolve of the Comittee of the house of Representatives on the Pamphlett stiled *Atwoods Case*, Referred to the Councill or any three of them.

Adjourned till to morrow morning.

At a Councill held at ffort Anne this 26th *day of May*, 1703.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, SA : SH : BROUGHTON, Wm LAWRENCE, } Esqrs

RIP VAN DAM, CALEB HEATHCOTE, } Esqrs

Sampson Shelton Broughton Esqr Chairman of the Comittee of the Councill to whom the Bill for the laying out Regulating Clearing and preserving publick Comon highways throughout this Colony was Referred Reported to his Excellency in Councill that the said Comittee are of opinion that there are some deficiencies in the same but in Regard the defects thereof will the better appeare on the Report of the Comrs thereby appointed after they have made some progresse therein they are humbly of opinion that the said Bill ought to passe without any Amendment.

The said Report being read was approved of and ordered that the said Bill be read the third time.

The Bill Intituled, An Act for the better Establishmt of the mainteinance of the Minister of the City of New York was read the second time and Comitted to the members of this board or any three of them.

The Bill Intituled, An Act for the better Explaining and effectuall putting in Execution An Act of Generall Assembly Entituled, An Act for defraying of the publick and necessary Charge throughout this province and for mainteining the Poor and preventing Vagabonds was read the second time and Comitted to the members of this board or any three of them

Adjourned till to morrow morning.

27th May 1703 Adjourned till four of the Clock afternoon.

At a Councill held at ffort Anne this seaven and twentieth day of May, 1703.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, SA : SH : BROUGHTON, GERRARD BEEKMAN, } Esqrs

RIP VAN DAM, CALEB HEATHCOTE, } Esqrs

The Speaker attended by the whole house of Representatives Dd an Addresse from them to his Excellency this day in Councill.

Sampson Shelton Broughton Esqr Chairman of the Comittee of the Councill to whom the Bill for prohibiting the Distilling of Rum and Burning of Oyster shells into Lime within the City of New York or within half a miles distance of the City hall of the said City was Comitted humbly Reported to his Excellency in Councill that they had gone through the sd Bill and made some amendments.

Which were read and agreed to by this board, then the said Bill was read the third time with the amendments.

Resolved, the same do passe the Councill and be sent down to the house of Representatives for their Concurrence to the said amendments, and the Attorny Generall desired to carry the same

The Bill for laying out Regulating Clearing and preserving publick Comon highways throughout this Colony was read the third time

Resolved, the same do passe the Councill without any Amendment.

Adjourned till to morrow morning.

28th May 1703. Adjourned till to morrow morning.

At a Councill held at ffort Anne in New York this 31th *day of May*, 1703.

PRESENT— *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, SA: SH: BROUGHTON, } Esqrs — RIP VAN DAM, Esqr; JOHN BRIDGES, Dor of Laws.

Sampson Shelton Broughton Esqr Chairman of the Comittee of the Councill to whom the Bill Intituled, An Act for the better and more speedy Recovery of the forfieture of six pounds for persons not appearing upon detachments and performing the service required according to the purport of an act of Generall assembly of this Colony made in the first yeare of her Majties reigne Intituled, An Act for the better Setling the militia of this province &c was Comitted humbly Reported from the said Comittee that the said Bill do passe without any amendment.

Which report was read and approved of and

Ordered, the said Bill be read the third time.

Sampson Shelton Broughton Esqr Chairman of the Comittee of the Councill to whom the Bill Intituled, An Act for the better Explaining and effectuall putting in Execution An Act of Generall assembly Intituled, An Act for defraying of the publick necessary Charge throughout this province and for mainteining the Poor and preventing Vagabonds was Comitted, humbly Reported to his Excellency in Councill from the said Comittee as follows vizt

That they had gone through the said Bill and made some amendments. Which were read & agreed to by this board.

Ordered, the said Bill together with the Amendmts be read the third time.

The Bill Intituled, An Act for vesting and Setling the Estate of David Briggs late of South-hampton in the County of Suffolk pursuant to a deed of Settlement made by the said David Briggs according to the true intent and meaning of the said David Briggs Expresst in the said deed of Settlement being layd before this board by Myndert Schuyler Esqr from the house of Representatives the same was read the first time and ordered a second reading.

Collo Henry Beekman from the house of Representatives acquainted his Excellency in Councill that the said house have agreed to the amendments in the Bill for the prohibiting the Distilling of Rum and Burning of Oyster Shells into Lime, within the City of New York or within half a miles distance of the City hall of the sd City sent down to them from this board the 27th Instant

Ordered, that the Clark of the Councill do amend the same accordingly.

The Chief Justice the Attorney Generall and second Justice of this province this day Reported to his Excellency in Councill that in obedience to the order of this board of the fifth Instant they had perused and Considered of the Bill Intituled, An Act Impowering Justices of the peace to hold pleas of Debt and Trespasse of small value and are humbly of opinion that his Excellency by his Letters patents being Impowered with the advice and consent of her majties Councill to Erect Constitute and Establish such and so many Courts of Judicature and publick Justice within this province as he and they shall think fitt and necessary for the hearing and determining of all Causes as well Criminall as Civill according to Law and Equity and for awarding of execution thereupon with all reasonable and necessary powers ffees & priviledges belonging unto them and the Courts of Judicature which now are in this province having been Established by ordinance of the Govr in Councill for the time being the defects proposed to be remedied by the said bill are most properly to be done by his Excellency in Councill.

Which report being read was approved of.

Adjourned till to morrow morning.

At a Councill held at ffort Anne in New York this first day of June, 1703.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, WM LAWRENCE, GERRARD BEEKMAN, } Esqrs — RIP VAN DAM, Esqr; JOHN BRIDGES, Dor of Laws.

The Bill Intituled, An Act for the Better and more Speedy Recovery of the forfieture of six pounds for persons not appearing upon detachments and performing the service required according to the purport of An Act of Generall Assembly of this Colony made in the first yeare of her Majties Reigne Entituled, An Act for the better setling the militia of this province &c Was read the third time.

Resolved, the said Bill do passe the Councill and that Rip van Dam Esqr do acquaint the house of Representatives that the same is passed without any amendment.

The Bill Intituled, An Act for the better Explaining & more effectuall putting in Execution An Act of Generall Assembly Entituled, An Act for defraying of the publick and necessary Charge throughout this province & for mainteining the Poor and preventing vagabonds was read the third time together with the amendments

Resolved, the said Bill with the amendments do passe the Councill and that Rip van Dam Esqr do carry the same to the house of Representatives for their Concurrence to the said amendments

The Bill Intituled, An Act for vesting and Setling the Estate of David Briggs late of Southampton in the County of Suffolk pursuant to a deed of settlement made by the said David Briggs according to the true Intent and meaning of the said David Briggs Expressed in the said Deed of Settlement was read the second time and Comitted to the members of this board or any three of them; and the said Comittee is hereby appointed to send for persons papers and Records.

The Bill Intituled, An Act for taking off the duties paid on Goods carried up Hudsons river and setling an Equivalent for the same read the second time and Comitted to the members of this board or any three of them.

On further consideration of the Report of the Chief Justice the Attorny Generall and the second Justice of this province made yesterday to the board on the Bill Intituled, An Act Impowering Justices of the peace to hold pleas of Debt and Trespasse of small value

Ordered, that it be referred back to the said persons to prepare such an ordinance as will supply the defects proposed to be remedied by the said Bill, and lay the same before this board, and

Ordered, that the Secretary of the province do lay before the said Comittee the Ordinance made in the yeare 1699 by the then Governor and Councill for that purpose

Sampson Shelton Broughton Esqr took his place at the Board.

Ordered, that Sampson Shelton Broughton, Rip van Dam, Caleb Heathcote Esqrs and John Bridges Doctor of Laws or any three of them be a Comittee of this board to meet the Comittee of the house of Representatives to prepare an Addresse to her Most Sacred Majtie according to the message sent down from this board to the said house on the 22th May last

Adjourned till to morrow morning.

At a Councill held at ffort Anne in New York this second day of June, 1703.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, SA: SH: BROUGHTON, WM LAWRENCE, } Esqrs — GERRARD BEEKMAN, RIP VAN DAM, CALEB HEATHCOTE, } Esqrs

The Bill Intituled, An Act for the better Explaining and effectuall putting in Execution An Act of Generall assembly Intituled, An Act for defraying of the publick and necessary Charge throughout this province and for mainteining the Poor and preventing vagabonds was layd before his Excellency this day in Councill the house of Representatives having Consented to the amendments made thereto by the Councill

Ordered, that the Clark of the Councill do amend the same accordingly.

His Excellency layd before this board the Bill Intituled, An Act to Supply the Defects of An Act of Generall Assembly made in the first yeare of her present Majties Reigne Intituled, An Act for appointing and Enabling Comrs to take state and Examine the accounts of the Revenue of this Colony, and the necessary Contingent Charge of the Goverment as also the Bill for Raising £1500 towards erecting two batteries at the Narrows, the same having been Dd to him

by members of the house of Representatives appointed to do the same, which was read the first time and ordered a second reading.

Sampson Shelton Broughton Esqr Chairman of the Comittee of the Councill to whom the Bill Intituled, An Act for the better Establishment of a maintenance for the Minister of the City of New York was Comitted does humbly Report from the Said Comittee that they have gone through the said Bill and have directed him to Report to this board that the same do passe without any amendment.

Which Report was read at the board and approved of and the said Bill being read the third time

Resolved, the said Bill do passe the Councill.

Adjourned till to morrow morning.

At a Councill held at ffort Anne in New York, this third day of June, 1703.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, SA : SH : BROUGHTON, Wm LAWRENCE, } Esq^rs

GERRARD BEEKMAN, CALEB HEATHCOTE, } Esq^rs

Thomas Willet and Abraham Lakeman Esq^rs from the house of Representatives layd before this board The Bill Intituled An Act for the better Regulating ffees which was read the first time.

Rip van Dam Esqr and John Bridges Do^r of Laws took their places at this board

The Bill Intituled, An Act for the better Explaining one Act of Assembly Intituled, An Act to enable the Respective towns within this province to build and repair their Meeting Houses and other publick buildings, & also to enable the severall Counties of Richmond and Westchester to erect Comon Goales and other publick buildings for the service of the said Counties was read the second time and Comitted to the Councill or any three of them.

The Bill for raising fifteen hundred pounds towards Erecting two Batteries at the Narrows was read the second time and Comitted to the Councill or any three of them.

Sampson Shelton Broughton Esqr Chairman of the Comittee of the Councill to whom the Bill Intituled, An Act for resting and setling the Estate of David Briggs late of South hampton in the County of Suffolk pursuant to a deed of settlement made by the said David Briggs according to the true Intent and Meaning of the said David Briggs Expressed in the said deed of Settlement was Comitted humbly Reported from the said Comittee that they have gone through the said Bill and have directed him to Report to this board that in Regard it does not appeare (tho the said David Briggs did not leave issue of his body) but that he might leave an heir at Law to whom the Lands and Tenements in the said Bill mentioned to be Conveyed might legally descend by reason of the Imperfeccōns of the said Conveyance.

Wee are therefore humbly of opinion that the passing the said Bill be for some time stayed least the passing thereof should prove prejudiciall to those whome the act of God has favoured.

The Bill Intituled, An Act to supply the defects of An Act of Generall Assembly made in the first yeare of her present Majties Reigne Intituled, An Act for appointing and Enabling Com^rs to take, State and Examine the accounts of the Revenue of this Colony and the necessary Charge of the Goverment was read the second time and Comitted to the members of this board or any three of them.

Adjourned till to morrow morning.

4th June 1703 Adjourned till to morrow morning.

5th June 1703 Adjourned till Munday morning.

7th June 1703 Adjourned till to morrow morning.

8th June 1703 Adjourned till to morrow morning.

At a Councill held at ffort Anne in New York this ninth day of June, 1703.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, SA: SH: BROUGHTON, Wm LAWRENCE, } Esqrs
GERRARD BEEKMAN, CALEB HEATHCOTE, } Esqrs
JOHN BRIDGES, Dor of Laws.

An Addresse from the house of Representatives to his Excellency was layd before this board by Killian van Ranslaer and Mathew Howell Esqrs and read praying a warrant may issue for payment of £36 : 13s. 00d out of the revenues to the Comrs for Executing the office of Collector and Receiver Generall for the attendance and service of the Clark and necessary Expenses of the Comrs appointed for taking, stating and Examining the publick accounts of the Revenue of this Colony and the necessary Contingent Charge of the Goverment in discharging the trust reposed in them

Ordered, a warrant be prepared accordingly

His Excellency layd before the board the Addresse of the house of Representatives for paymt of £20 to one Richard Greener the same having been Dd to him by Stephen De Lancy aad Henry Beekman Esqrs which was read and ordered to ly on the table.

The Report of the Gentl of the Councill to whome the Bill for raising £1500 towards erecting two Batteries at the Narrows was referred being read this day at the board the said is Disapproved of and

Ordered, that it be Rereferred to the said Comittee with direccōns Instead of the Clauses for appointing and Impowering a Treasurer to receive and pay the money Collected by virtue of the sd act and giving him an allowance of 12d in the pound for his soe doing a Clause be Inserted ordering the paymt of the sd moneys to the Comrs for managing the office of Collector and Receiver Generall or the Collector and Receiver Generall of this province for the time being who shall be obliged to keep a Seperate acct of the receipts & payments of the moneys raised by the sd act from all other moneyes whatsoever.

Sampson Shelton Broughton Esqr Chairman of the Comittee of the Councill to whom the Bill Intituled, An Act to supply the defects of an act of the Generall assembly made in the first yeare of her present majties Reigne Entituled, An Act for appointing and enabling Comissioners to take, state and Examine the accounts of the revenue of this Colony and the necessary Contingent Charge of the Goverment was Comitted does humbly report from the said Comittee that they have gone through the said Bill and have directed him to report to this honoble board that the same do passe without any Amendment.

Which report being read was approved of.

This board having Recēd Information that severall of the taxes formerly raised in this province are not Collected and payd according to the directions of the severall acts by virtue of which the same ought to have been payd by meanes whereof severall persons who have done services for and advanced moneyes to this goverment on account of the said taxes are still unsatisfied

Ordered, that a Message be sent to the house of Representatives desiring them to prepare a Bill of Review of all the said former taxes that remaine unpayd and Collo Heathcote is hereby desired to carry the sd message

Ordered, that the Attorny Generall do prepare a Bill to oblige the Handlers at Albany who trade with the Indians to take out Licenses to retaile Strong Liquors, or that otherwise they shall be obliged to desist from trading with them.

Adjourned till to morrow morning

At a Councill held at ffort Anne in New York this tenth day of June, 1703.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY,

PETER SCHUYLER, SA: SH: BROUGHTON, Wm LAWRENCE, } Esqrs
GERRARD BEEKMAN, CALEB HEATHCOTE, } Esqrs
JOHN BRIDGES, Dor of Laws.

Sampson Shelton Broughton Esqr Chairman of the Comittee of the Councill to whom the Bill for Raising £1500 towards erecting two batteries at the Narrows was Comitted Reported to this honoble board that the said Comittee have gone through the said Bill and have made severall amendments which were read and approved of, And the said Bill together with the amendments was read the third time and passed the Councill, and

Ordered, that the same be sent down to the house of Representatives for their Concurrence thereunto and Mr Attorney Generall is hereby Desired to carry the same.

The Gents of the Councill desire a Conferrence with the Gents of the house of Representatives at five of the Clock this afternoon at the widdow Schuylers house in New York on the Subject matter of the Bill Intituled, An Act for taking off the Duties payd on goods carried up Hudsons River and setling an Equivalent for the same, And

Ordered, that the Attorney Generall do carry the said message.

Ordered, that Peter Schuyler, Sampson Shelton Broughton, Wm Lawrence, Gerrard Beekman, Caleb Heathcote Esqrs and John Bridges Doctor of Laws or any three of them be the managers of the said Conferrence

The Bill Intituled, An Act to Supply the Defects of An Act of Generall assembly made in the first yeare of her present Majties reigne Entituled, An Act for appointing and Enabling Comrs to take, state and Examine the accounts of the Revenue of this Colony and the necessary Contingent Charge of the Goverment was read the third time

Resolved, the said Bill do passe the Councill.

Sampson Shelton Broughton Esqr Chairman of the Comittee of the Councill to whom the Bill for the Better Explaining one Act of assembly Intituled, An Act to enable the Respective towns within this province to build or repair their meeting houses and other publick buildings and also to enable the severall Counties of Richmond and Westchester to Erect Comon Goales and other publick buildings for the service of the said Counties was Comitted Reported to this honoble board that the said Comittee have gone through the said Bill and have made severall amendments, which were read and approved of And the said Bill together with the amendments was read the third time and passed the Councill and

Ordered, that the same be sent down to the house of Representatives for their Concurrence thereunto, and the Attorny Generall is hereby desired to carry the same.

Phillip ffrench and Mathew Howell Esqrs brought a Message from the house of Representatives acquainting this board that the said house on Consideōn of the message from his Excellency and Councill sent yesterday to them by Collo Heathcote do humbly request that an account of those severall persons who have done services and advanced moneys to this goverment, the sumes of money unpayd, and on the creditt of what taxes in particular may be layd before them that they may be the better enabled to proceed in that matter.

The Gents of the Councill on Consideōn of the message from the house of Representatives brought by Mr ffrench and Collo Howell

Resolved, that Collo Heathcote do acquaint the sd house that the reasons that Induced the Gents of the Councill to send the former Message proceeded from divers Complaints from persons who have well payd the taxes layd upon them by former acts of assembly and are mightily discouraged from soe doing for the future by seeing their neighbours Escape by not having Complyed with the acts as they have done which they think very much tends to the diservice of the Crown and the safety of the Countrey for which reasons they are still of opinion that such a Bill will be of absolute necessity and that by their former message they had no regard how the moneys that might arise by such a Bill of Review should be applyed thinking the most proper time to do that would be when they see what effect such a Bill would have.

Evert Banker and John Stillwell Esqrs from the house of Representatives layd before this board the Bill Intituled, An Act to ascertain the Assize of Casks, Weights, Measures and Bricks within this Colony which was read the first time and ordered a second Reading

Adjourned till to morrow morning.

At a Councill held at ffort Anne in New York this Eleaventh day of June, 1703.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, SA: SH: BROUGHTON, Wm LAWRENCE, } Esqrs

RIP VAN DAM, CALEB HEATHCOTE, } Esqrs

The petition of John Parker of the town of Southampton was read and

Ordered, that the Petitioner be heard by his Councill to morrow morning nine of the Clock.

The Bill Intituled, An Act to Ascertain the Assize of Casks, weights, Measures and Bricks within this Colony was read the second time and Comitted to the members of this board or any three of them.

Adjourned till to morrow morning.

At a Councill held at ffort Anne in New York, this twelfth day of June, 1703.

PRESENT— *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, SA: SH: BROUGHTON, Wm LAWRENCE, } Esqrs
RIP VAN DAM, CALEB HEATHCOTE, JOHN BRIDGES, Dor of Laws. } Esqrs

Major Daniell Whithead brought a Message from the house of Representatives desiring a Conference on the subject matter of the amendments to the £1500 Bill This board having Considered of the Message brought to them by Major Whithead desiring a Conference on the subject matter of the Amendments to the 1500£ Bill do agree to the said Conference and do appoint the same to be held Imediately at Sheppards and Mr Attorny Generall desired to acquaint the house of Representatives therewith.

Ordered, that the members of this board or any three of them be the managers of the sd Conference.

Collo Peter Schuyler Chairman of the Comittee of the Councill to whom the Bill Entituled, An Act to Ascertain the Assize of Casks, Weights, Measures and Bricks within this Colony was Comitted humbly reported to his Excellency in Councill that the said Comittee have gone through the said Bill and have made severall amendments thereto, which were read and approved.

Ordered, that the said Bill be read the third time.

Mr Emott appeared before this board on the behalfe of John Parker according to the order made yesterday for that purpose.

The said matter is referred till Munday morning next.

Adjourned till Munday morning.

14th June 1703 Adjourned till to morrow.

At a Councill held at ffort Anne in New York, this 15th *day of June,* 1703.

PRESENT— *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, SA: SH: BROUGHTON, GERRARD BEEKMAN, } Esqrs
RIP VAN DAM, CALEB HEATHCOTE, } Esqrs

The Bill to ascertain the assize of Casks, Weights, Measures and Bricks within this Colony was read the third time together with the amendments and passed the Councill and ordered to be carried down to the house of Representatives for their Concurrence to the said amendments and Collo Peter Schuyler is Desired to carry the same.

Mr Emott according to order appeared before this board and was heard on the petition of John Parker against passing the Bill Intituled, An Act for vesting and Setling the Estate of David Briggs late of Southampton in the County of Suffolk pursuant to a deed of Settlemt made by the said David Briggs according to the intent and meaning of the sd David Briggs Express't in the said Deed of Settlement.

Mr Birkley also was heard his reasons for passing the same.

Ordered, the said matter be referred to further Consideration.

Adjourned till to morrow morning.

At a Councill held at ffort Anne in New York, this 16th *day of June,* 1703.

PRESENT— *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, SA: SH: BROUGHTON, GERRARD BEEKMAN, } Esqrs
RIP VAN DAM, CALEB HEATHCOTE, } Esqrs

Cornelius Sebering and Joseph Purdy Esqrs from the house of Representatives layd before this board the Bill for Raising £1500 towards erecting two Batteries at the Narrows and the Bill Intituled, An Act to Ascertain the Assize of Casks, Weights, Measures and Bricks within this Colony, the said house having made some amendments to the amendments made by this board to the said Bills. Which were read at the board and agreed to.

Ordered, that the Cl of the Councill doe amend the same accordingly.

His Excellency and the members of this board present signed the Ingrossed Addresse to her Majtie Congratulating the late glorious successe of her Majties arms both by Sea and Land.

Ordered, that a Message be sent to the house of Representatives acquainting them that this board have agreed to the amendments made to the amendments in the Bill for raising £1500 towards erecting two Batteries at the narrows and the Bill to ascertain the Assize of Casks, Weights, Measures and Bricks within this Colony and

Ordered, that Coll° Heathcote do carry the said Message as also the Addresse to her Majtie Congratulating the late glorious successe of her Majties arms.

Killian van Ranslaer and Thomas Coddrington Esq^rs from the house of Representatives brought a Message desiring to know his Excellencies pleasure when he will be attended by them with the Addresse.

His Excellency told them to morrow morning.

Adjourned till to morrow morning

At a Councill held at ffort Anne in New York this Seaventeenth day of June, 1703.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, SA: SH: BROUGHTON, Wm LAWRENCE, GERRARD BEEKMAN, } Esq^rs

RIP VAN DAM, CALEB HEATHCOTE, } Esq^rs
JOHN BRIDGES, Do^r of Laws.

His Excellency layd before the board the Addresse to her Majtie setting forth the present State and Condition of this province prepared by the Comittees of the Councill and Generall Assembly appointed thereunto, the same having been sent up from the Assembly with some amendm^ts to which this board agreed

Ordered, that the Clerk of the Councill do amend the same, which when done

Ordered, that the same be Ingrossed against to morrow morning.

The Speaker with the whole house of Representatives attended his Excellency this day in Councill with the humble Addresse of the s^d house to his Lordship which was read by the Speaker & dd by him to his Excellency

Cornelius Sebering Esqr from the house of Representatives Returned the Addresse to her Majtie to this board sent down to them yesterday by Coll° Heathcote the whole house having signed the same.

Wm Lawrence Esqr and John Bridges Do^r of Laws signed the same

Adjourned till to morrow morning.

At a Councill held at ffort Anne in New York this 18th *day of June*, 1703.

PRESENT — *His Excellency* EDWARD, *Viscount* CORNBURY, &c.,

PETER SCHUYLER, SA: SH: BROUGHTON, Wm LAWRENCE, } Esq^rs

RIP VAN DAM, CALEB HEATHCOTE, } Esq^rs

A Bill for the better enabling the ffarmers of the Excise within the City of Albany to Collect their Excise and to prevent frauds therein having been prepared by the Attorny Generall was layd before this board and read the first and second time and Comitted to the members of this board or any three of them.

His Excellency layd before this board the Bill to oblige persons to pay their arreares of one thousand pounds tax granted by act of Generall Assembly of this province in the twelfth yeare of the Reigne of our late Soveraigne King W^m the third for building a fort at Onnondaga for the Security of the five nations of Indians, the same having been Dd to his Excellency by members of the Generall assembly appointed thereunto, which was read the first and second time and Comitted to the Members of this board or any three of them.

Coll° Caleb Heathcote Chairman of the Comittee of the Councill to whome the Bill Intituled, An Act for the better enabling the ffarmers of the Excise within the City of Albany to Collect their Excise and to prevent frauds therein humbly reported to his Excellency in Councill from the Said Comittee that they have gone through the Said Bill and have made some amendments thereto. Which were read and approved of, and ordered to be inserted therein by the Clark of the Councill. Which being done

The said Bill was read the third time and passed the Councill and ordered to be sent down to the Generall assembly for their Concurrence, and Coll° Heathcote is hereby Desired to carry the Same

Coll° Peter Schuyler Chairman of the Comittee of the Councill to whome the Bill Intituled, An Act to oblige persons to pay their arreares of one thousand pounds tax granted by Act of Generall assembly of this province in the twelfth yeare of the reigne of our late Soveraigne King W^m^ the third for building a fort at Onnondaga for the Security of the ffive nations of Indians Reported to his Excellency in Councill that the s^d^ Comittee have gone through the s^d^ Bill & have directed him to report that the same do passe without any amendment

Which report being read was approved of and the s^d^ Bill was read the third time and passed the Councill.

Sampson Shelton Broughton Esqr Chairman of the Comittee of the Councill appointed to meet the Comittee of the house of Representatives on the subject matter of the Bill for taking off the duties payd on Goods carried up the Hudsons river &c reported from the s^d^ Comittee that the Comittee of the house of Representatives will not agree to the amendm^ts^ proposed by the Comittee of the Councill to the s^d^ Bill

The Addresse to her Majtie setting forth the State and Condition of the province having been Ingrossed by the Cl of the Councill according to an order made yesterday by this board for that purpose was read and signed by his Excellency and the Gents of the Councill present and Coll° Heathcote desired to carry the same down to the house of Representatives

Adjourned till to morrow morning.

At a Councill held at ffort Anne in New York this 19th *day of June,* 1703.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, SA: SH: BROUGHTON, Wm LAWRENCE, } Esq^rs^

RIP VAN DAM, CALEB HEATHCOTE, } Esq^rs^ JOHN BRIDGES, Do^r^ of Laws.

His Excellency ordered the Cl of the Councill to acquaint the house of Representatives that his Lordship Desired their attendance Imediately at the ffort.

The Speaker with the whole house being present in the Councill Chamber his Excellency gave the Assent to the following Bills enacting them and ordering them to be enrolled vizt

1 An Act to enable the Justices of the peace for the City and County of Albany to repair or to Rebuild a Comon Goale and City and County hall for the Said City and County & to pay their arreares of their publick Charge

2 An Act to enable the Minister and Elders for the time being of the ffrench protestant Church in the City of New York to build a larger Church for the worship of Almighty God in that Congregation to hold to them and their Successors for ever

3 An Act declaring the Illegality of the proceedings against Coll° Nicholas Bayard and Alderman John Hutchins for pretended high Treason and for reversing and making null and voyd the Said judgments and all proceedings thereon.

4 An Act for the laying out Regulating Cleering and præserving publick Comon highways throughout this Colony.

5 An Act for prohibiting the Distilling of Rum and burning of Oysters, oyster shells or Stone into Lime within the City of New York or within half a miles distance of the City hall of the s^d^ City.

6 An Act for the better Explaining and more effectuall putting in Execution An Act of Generall Assembly made in the third yeare of the Reigne of their late Majties King W^m^ and Queen Mary Intituled, An Act for defraying of the publick and necessary Charge throughout this province and for mainteining the Poor and preventing Vagabonds.

7 An Act for the Better Establishment of the maintenance for the Minister of the City of New York

8 An Act for the Better and more speedy recovery of the forfieture of six pounds for persons not appearing upon Detachments and performing the Service Required according to the purport of An Act of Generall assembly of this Colony made in the first yeare of her Majties reigne Intituled, An Act for the better Setling the militia of this province &c

9 An Act to supply the Defects of An Act of Generall assembly made in the first yeare of her present majties reigne Intituled, An Act for appointing and enabling Com^rs^ to take State and Examine the accounts of the Revenue of this Colony and the necessary Contingent Charge of the Goverm^t^.

10 A Bill for raising £1500 towards erecting two batteries at the Narrows or passage between Staten and Long Island.

11 An Act to Ascertain the Assize of Casks, Weights, Measures and Bricks within this Colony.

12 An Act to oblige persons to pay their arreares of one thousand pounds tax granted by Act of Generall assembly of this province in the twelfth yeare of the Reigne of our late Soveraigne King W^m^ the third for building a fort at Onnondaga for the Security of the five nations of Indians.

Then his Excellency adjourned the Generall Assembly untill the second Tuesday in September next, and the Generall assembly is adjourned accordingly.

[In Executive Session.]

At a Councill held at ffort Anne in New York, this 31th *day of August*, 1703.

Present — *His Excellency* Edward *Viscount* Cornbury, &c.,

Sa: Sh: Broughton, Rip van Dam, John Bridges, } Esq^rs^ — Thomas Wenham, Mathew Ling, } Esq^rs^

Assembly adjourned

Ordered, a proclamation forthwith issue for adjourning the Generall Assembly of this province from the second Tuesday in September to the first tuesday in October next.

NINTH ASSEMBLY THIRD SESSIONS.

At a Councill held at ffort Anne in New York, this fourteenth day of October, 1703.

Present — *His Excellency* Edward *Viscount* Cornbury, &c.,

Sa: Sh: Broughton, Rip van Dam, John Bridges, } Esq^rs^ — Thomas Wenham, Mathew Ling.

Myndert Schuyler and Evert Banker Esq^rs^ from the Generall Assembly Desired that Andries Douw Esqr (Elected and Chosen a Representative in Generall assembly for the Colony of Renslaerwick in the County of Albany in the Room and stead of Killian van Ranslaer Esqr whom her Majtie hath been pleased to appoint to be one of her privy Councillers of this province) may take the oathes appointed by act of Parliam^t^ to be taken instead of the oaths of Allegiance and Supremacy and Subscribed the Test which was done in Councill.

Edward Cole Messenger of the Councill took the said oaths & Subscribed the Test.

His Excellency ordered the Clark of the Councill to acquaint the Generall Assembly that his Lordship Expected their attendance Imediately. Which having been done and the Speaker with seaventeen of the sd members being present his Excellency sayd

Gentlemen,

I Am sorry the Season of the Year is so far advanced, that you cannot have so much Time for your Deliberations as I could wish, because there are many Things, that will in due Time require your Consideration; but at this Time, I shall only recommend to the Consideration of you, Gentlemen of the House of Representatives, the providing a sufficient Fund, for the Paying such a Number of Men, as may be necessary to be sent to Albany, for the Defence of the Frontiers this Winter; the number which I think necessary to be detached for that Service, is 130 Men, with their proper Officers, including the Out-Scouts. I should have desired a greater Number, but that I consider the Condition of the Province at this Time, therefore, I am willing to make the Charge as little as possible; but I must recommend it to your Care, to provide such a Coertion in your Bill, as may be effectual, for the bringing in the Money, by the time you shall think fit to appoint, else I am afraid, People will be as backward in their Payments, as they have been in the *Eighteen Hundred Pounds* Tax, which is not yet all paid, though the Time appointed, was the 25th Day of March last; if any Thing occurs to your Thoughts for the Good of this Colony, which may require the Assistance of an Act of Assembly at this Time, you shall always find me ready to concur with you, in all such Things as may be for the real Good of the Country.

I must now acquaint you, Gentlemen, that the great Queen of England, my Mistress, has been pleased to ease this Province of a Burthen, which by Custom, has long lain upon it, I mean, that of Presents to the Governors or Commanders in Chief of this Colony; her Majesty has been graciously pleased to confirm that Act, by which the last Fall, you were so kind as to give to me a very great Present, but at the same Time, her Majesty has commanded me to acquaint you, that she has given the necessary Orders, for preventing any Governor, Lieut. Governor or Commander in Chief, from receiving any Presents for the Future; that Order, I have here in my Hand, and pursuant to the Queen's Commands, I have caused it to be entred in the Council Books. And I desire you, Mr. Speaker, to take Care that it be entered at large in the Journals of your House. I have nothing more to offer to you at this Time, only to desire you, to give all possible Dispatch to the Matters before you, for I am obliged upon the Queen's Service, to be at Amboy, at the very Beginning of the next Month.

Then the Speaker and the members of the Generall assembly hereafter mentioned Swore to and Subscribed the Abjuration oath before his Excellency in Councill vizt

William Nicoll,	Esq^{rs}	Myndert Schuyler,	Esq^{rs}
Stephen De Lancey,		Wm Willet,	
Henr Beekman,		Joseph Purdy,	
John Jackson,		Andries Douw,	
Thomas Garton,		the mark of	
Tho Codrington,		Abraham A Lakeman,	
John Abeel,		flloris Crom,	
Evert Banker,		Josiah Hunt,	
John Stillwell,		Cornelius van Brunt,	

Gabriell Ludlow Clark of the Generall Assembly also Swore to and Subscribed the Abjuration oath.

At a Councill held at ffort Anne, this 18th *day of October*, 1703.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

WILLIAM LAWRENCE,	Esq^{rs}	RIP VAN DAM,	Esq^{rs}
GERRARD BEEKMAN,		JOHN BRIDGES,	

Jacobus van Cortlandt, Mathew Howell and Cornelius Sebering Esq^{rs} Members of the Generall assembly took the oathes appointed by act of parliament to be taken instead of the oathes of Allegiance and Supremacy and subscribed the Test, and swore to and subscribed the Abjuration oath.

Henry Beekman and Stephen De Lancey Esq^{rs} from the Generall assembly prayed to know when his Excēll will be pleased to be attended with the humble addresse of the said house.

His Excellency told them that to morrow morning at nine of the Clock he would be ready to Receive the same.

At a Councill held at ffort Anne, this 19th *day of October*, 1703.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

SA : SH : BROUGHTON,	Esq^{rs}	CALEB HEATHCOTE,	
Wm LAWRENCE,		MATHEW LING,	
RIP VAN DAM,			
JOHN BRIDGES,			

The Speaker attended by the Generall assembly presented an Addresse from them to his Excellency this day in Councill & withdrew.

At a Councill held at ffort Anne this one and Twentieth day of October, 1703.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

SA: SH: BROUGHTON, WM LAWRENCE, JOHN BRIDGES, } Esqrs
CALEB HEATHCOTE, THOMAS WENHAM, MATHEW LING, } Esqrs

Stephen De Lancey & Myndert Schuyler Esqrs from the Generall assembly layd before his Excellency in Councill The Bill Intituled, An Act for levying and Collecting the sume of Thirteen hundred pounds for mainteining one hundred ffuzileers with their proper officers and Thirty men with their proper officers to be Imployed as Scouts for the Defence of the frontiers, the same having passed the Generall assembly

The said Bill was read the first and second time and Comitted to the Gentl of the Councill or any three of them.

At a Councill held at ffort Anne in New York this 23th *day of October*, 1703.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

WM LAWRENCE, RIP VAN DAM, JOHN BRIDGES, } Esqrs
CALEB HEATHCOTE, THOMAS WENHAM, } Esqrs

Sampson Shelton Broughton Esqr Chairman of the Comittee of the Councill to whom the Bill Intituled, An Act for Levying and Collecting the sume of £1300 for mainteining one hundred ffuzileers with their proper officers and thirty men with their proper officers to be Imployed as Scouts for the Defence of the ffrontiers was Comitted on the one and twentieth Instant Reported from the said Comittee that they had gone through the said Bill and are of opinion that the same do passe without any amendmt.

Which Report was read and approved of And the said Bill was Read the third time and passed the Councill.

Ordered, that Collo Thomas Wenham Do acquaint the Generall assembly that the Bill Intituled, An Act for Levying and Collecting the sume of Thirteen hundred pounds for mainteining one hundred ffuzileers with their proper officers and Thirty men with their proper officers to be Imployed as Scouts for the Defence of the ffrontiers is past the Councill without any amendmt

Ordered, that the Cl of the Councill do acquaint the house of Representatives that his Excellency desires their attendance Imediately at the ffort which having been done, the Speaker with the whole house being present his Excellency gave his assent to the Bill Intituled, An Act for levying and Collecting £1300 &c and

Adjourned the Generall assembly to the second Tuesday in Aprill next.

Then his Excellency and Councill with the Generall assembly went to the City hall where the sd act of assembly was published

NINTH ASSEMBLY FOURTH SESSIONS.

At a Councill held at ffort Anne in New York this thirteenth day of Aprill, 1704.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, SA: SH: BROUGHTON, THOMAS WENHAM, } Esqrs
MATHEW LING, KILLIAN VAN RENSLAER, } Esqrs

His Excellency ordered the Clark of the Councill to acquaint the Generall assembly that his Lordship Expected their attendance Imediately at the fort The Clark of the Councill Returned

and acquainted his Excellency in Councill that the Speaker of the house had informed him that the Generall assembly were adjourned untill two of the Clock this afternoone.

Adjourned till three of the Clock afternoone.

Post Meridiem

PRESENTIBUS — *Eisdem*

His Excellency ordered the Clerk of the Councill again to acquaint the Generall Assembly that his Lordship Required theire attendance Imediately at the fort Which having been done and the Speaker with of the said house being present his Excellency sayd

Gentlemen,

The Time to which you were adjourned the last Year being come, I am glad to see so many of you ready to attend the Service of the Queen and your Country, by which Means, I hope, there may be such Dispatch, given to the Matters which will be laid before you, and that you may think proper to be done, that I may be at Liberty, to attend the Service of the great Queen of England, my Mistress, in the Neighbouring Province, some Time in May; the Things which I shall more particularly recommend to the Consideration of you Gentlemen, of the House of Representatives, are these. *First*, The Security of the Frontiers, which I am afraid cannot be thought so secure now, as they were last Year; the good Success our Enemies the *French*, with some of their *Indians*, have had against our Neighbours of New England, who by their Carelessness, have suffered themselves to be surprised and cut off at Deerfield, may perhaps encourage them to attempt our Frontiers likewise; though I hope (if they do) they will find us more watchful and in a better Posture than our Neighbours; however, I think it will be absolutely necessary, that some Men may be raised, and sent up for the Defence of the Frontiers for the Year ensuing; the Number I think proper, is 150 Men, to be employed thus, 30 Men to be added to the Garrison of Schenectady, 30 at Nistigaone, 30 at the Half Moon, 30 at Kinderhook, and 30 to be dispersed in the Out Farms; by this Means, I hope, I shall be able to prevail with the Inhabitants, not to desert their Farms, which I am informed, they will very speedily do if not protected.

The next Thing, which I most earnestly recommend to your serious Consideration is, the Condition of her Majesty's Revenue in this Colony, which is now very small. There was an Act of the General Assembly of this Colony, past in the Year 1698, entitled, An Act, for raising an Additional Duty, for the defraying the Debts of the Government; but that Act was to continue in Force for two Years only, and no longer, which Time is long since expired; I only mention this to you, because I think the Methods prescribed in that Act, will appear as easy as any that can be thought of; however, I shall leave it wholly to your Considerations, to use such Methods as you shall think proper, only, I must acquaint you, that unless some Care is now taken, the Revenue will not answer the necessary Charges of the Government.

I must acquaint you, Gentlemen, that her most Sacred Majesty the Queen, who is always watchful for the Good of her Subjects, and considering the Danger that some of her Subjects of this Colony, were exposed to, by the wicked Construction put by the then Chief Justice, upon an Act of Assembly, passed in April 1691, (entitled, An Act, for the quieting and settling the Disorders, that have lately happened within this Province, and for the Establishing and securing their Majesty's present Government, against the the like Disorders for the future) has been pleased to Command me, to recommend to you, the repealing the last Clause in the said Act, her Majesty being satisfied, that the Laws now in Force in England, are sufficient to punish any Person, who shall offend in that Manner in these Parts. This, Gentlemen, is what I thought proper to offer to you at this Time, therefore I shall detain you no longer, only but to recommend to you, Unanimity and Dispatch in the Matters now before you.

Then they withdrew.

Adjourned.

At a Councill held at ffort Anne in New York, this Twentieth day of Aprill, 1704.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

WILLIAM SMITH, PETER SCHUYLER, SA: SH: BROUGHTON, WILLIAM LAWRENCE, } Esq^rs

GERRARD BEEKMAN, RIP VAN DAM, THOMAS WENHAM, MATHEW LING, } Esq^rs

The Speaker Attended with the whole house of Representatives this day Read to his Excellency in Councill the humble Addresse of the s^d house in the words following.

To the Right Honourable EDWARD Lord CORNBURY, her Majesty's Captain General and Governor in Chief of the Colony of New-York, &c.

The humble ADDRESS of the General Assembly.

My Lord,

Her Majesty's faithful Subjects, the General Assembly of this Colony, as they cheerfully embrace all Opportunities of doing Service to her Majesty and their Country, so it affords them a pleasing Satisfaction, when any of their Actions prove agreeable to your Excellency.

They Esteem it (as they ought) a very great Happiness, that in these Times of War and Danger, by the Blessing of Almighty God, on your Excellency's Administration, the Colony has hitherto been as safe, as in those of the calmest Peace, without those Insults and Afflictions, some of the neighbouring Colonies have suffered; they humbly and heartily pray to God, for the Continuance of that Tranquility they have enjoyed, for the obtaining of which and their own necessary Defence, they come with Minds well prepared, and will never be wanting to their Ability.

They entertain with great Concern, the Condition your Excellency mentions of the Revenue, which having formerly amounted to upwards of *Four Thousand Pounds, Communibus Annis*, (a Sum, far exceeding any Thing other Colonies, tho' of greater Extent of Territory, People and Riches have raised) they are very desirous of being informed, if the State it is reduced to, is to be attributed to the Decay of the Income, or increase of the Charge, that on Consideration of its Circumstances, due Remedies may be applied.

Her Majesties amiable Grace and Bounty to her Subjects here, and Care of their Good is sufficiently shewn, in preventing their Requests, by her happy Commands to your Excellency, for the Repeal of that unnecessary Clause in that Act of Assembly; they believe it the Effects of your Excellency's just offering Things to her Majesty's View, in their proper Light. By this her Majesty gives the highest Demonstration that the Greatness of her Fortune, is surpassed by the Goodness of her Nature. It will be a Means, of putting out of the Power of vile crafty designing Men (whom Mistake may cloath with Power) the Occasion of venting their own Wicked Passions, under the specious Colours of Law and Justice.

They heartily thank your Excellency, for putting them in Mind of Unanimity, and will give all possible Dispatch to the Affairs recommended to them.

And Dd the same to his Lordship.

Then his Lordship returned his Answer thereto. That he should be glad, if by any action of his, he might contribute to the Prosperity of the Country, and that the State of the Revenue should be laid before the House.

Whereon they withdrew.

Adjourned till to morrow morning ten of the Clock.

At a Councill held at ffort Anne this one and Twentieth day of Aprill, 1704.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH,	Esqrs	CALEB HEATHCOTE,	Esqrs
PETER SCHUYLER,		THOMAS WENHAM,	
SA: SH: BROUGHTON,		KILLIAN VAN RANSLAER,	
Wm LAWRENCE,			

Adjourned till to morrow morning.

22th Aprill 1704 Adjourned till Tuesday morning.

At a Councill held at ffort Anne in New York this 25th *day of Aprill*, 1704.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER,	Esqrs	THOMAS WENHAM,	Esqrs
SA: SH: BROUGHTON,		KILLIAN VAN RANSLAER,	
GERRARD BEEKMAN,			
RIP VAN DAM,			

Ordered, that Killian van Ranslaer do carry to the house of Representatives the List of the annuall Sallaries of the Civill Officers of this Province together with the account of the amount of her Majties Revenue here from the 31th July last to this day.

Jacobus van Cortlandt and Evert Banker Esq^{rs} from the house of Representatives attended this board with a Bill to repeale the last Clause in An Act of Assembly Intituled An Act for the Quieting and Setling the Disorders that have lately happened in this Province and for Establishing and Securing their Majties present Goverm^{t} agst the like Disorders for the future.

Ordered, that the said Bill be read Imediately. Which having been done

Ordered, that the same be read the second time to morrow morning.

Adjourned till to morrow morning ten of the Clock.

At a Councill held at ffort Anne in New York, this 26th *day of Aprill*, 1704.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, SA : SH : BROUGHTON, RIP VAN DAM, } Esq^{rs}

MATHEW LING, KILLIAN VAN RANSLAER, } Esq^{rs}

The Bill for repealing the last Clause in An Act of Assembly Entituled An Act for the Quieting and Setling the Disorders that have lately happened within this province and for the Establishing and securing their Majties present Goverment against the like Disorders for the future was according to the order of the day read the second time and Comitted to the Councill or any three of them

Adjourned till ten of the Clock to morrow morning

27th day of Aprill 1704 Adjourned till ten to morrow morning.

At a Councill held at ffort Anne in New York this 28th *day of Aprill*, 1704.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, SA : SH : BROUGHTON, GERRARD BEEKMAN, RIP VAN DAM, } Esq^{rs}

CALEB HEATHCOTE, THOMAS WENHAM, KILLIAN VAN RANSLAER, } Esq^{rs}

Coll^{o} Peter Schuyler Chairman of the Comittee of the Councill to whom the Bill for Repealing the last clause in An Act of Assembly Entituled An Act for the Quieting and Setling the Disorders that have lately happened within this province and for Establishing and securing their Majties present Goverm^{t} against the like Disorders for the future was Comitted Reported That the s^{d} Comittee had gone through the s^{d} Bill and had made severall amendments thereto The said Report was read and approved of and the said Bill together with the amendments was read the third time and passed the Councill and ordered to be sent down to the house of Representatives for their Concurrence and Killian van Ranslaer Directed to carry the same

Adjourned.

At a Councill held at ffort Anne in New York this 4th *day of May*, 1704.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH, PETER SCHUYLER, SA : SH : BROUGHTON, RIP VAN DAM, } Esq^{rs}

CALEB HEATHCOTE, THOMAS WENHAM, MATHEW LING, KILLIAN VAN RANSLAER, } Esq^{rs}

Adjourned.

At a Councill held at ffort Anne in New York this Sixth day of May, 1704.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH,	Esqrs	CALEB HEATHCOTE,	Esqrs
PETER SCHUYLER,		THOMAS WENHAM,	
SA: SH: BROUGHTON,		KILLIAN VAN RANSLAER,	

Rip Van Dam Esqr took his place at this board.

John Abeel and Hunt Esqrs from the house of Representatives Returned the Bill for Repealing the last Clause in An Act of Generall assembly Entituled an Act for the Quieting and Setling the Disorders that have lately happened in this province &c with some amendments made by the sd house to the amendments made by the Councill to the said Bill.

On Reading whereof the Councill do Insist on their own amendments

Ordered, that a message be sent to the house of Representatives acquainting them that the Councill Desire a Conference with them on the subject matter of the amendments made by the sd house to the amendments made by the Councill to the said Bill that the said Conferrence be held at the fort on Tuesday morning at eleaven of the Clock, and that Mr Wenham do carry the sd message

Ordered, that Wm Smith, Peter Schuyler, Sa: Sh: Broughton, Rip van Dam, Caleb Heathcote, Thomas Wenham and Killian van Ranslaer Esqrs or any three of them be the managers of the sd Conference and also a Comittee to draw up reasons for the Councill Insisting on their own amendments.

Adjourned till Munday morning ten of

At a Councill held at ffort Anne in New York, this ninth day of May, 1704.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH,	Esqrs	CALEB HEATHCOTE,	Esqrs
PETER SCHUYLER,		THOMAS WENHAM,	
SA: SH: BROUGHTON,		KILLIAN VAN RANSLAER,	
RIP VAN DAM,			

The Report of the Gents of the Councill appointed to meet the house of Representatives about the amendments made by the said house to the amendments made by the Councill to the Bill for Repealing the last Clause in An Act of Generall assembly Intituled An Act for the quieting and setling the Disorders that have lately happened in this province &c was read at the board.

Adjourned.

At a Councill held at ffort Anne in New York, this Eleaventh day of May, 1704.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH,	Esqrs	RIP VAN DAM,	Esqrs
PETER SCHUYLER,		CALEB HEATHCOTE,	
SA: SH: BROUGHTON,		THOMAS WENHAM,	
Wm LAWRENCE,		KILLIAN VAN RANSLAER,	
GERRARD BEEKMAN,			

Collo Smith produced a paper at the board Dd to him by two of the members of the house of Representatives Conteining their Reasons for Insisting on their amendmts to the amendments made by the Councill to the Bill for Repealing the last Clause in An Act of Genll assembly Intituled An Act for the Quieting and Setling the Disorders that have lately happened in this province &c.

The Councill are of opinion that the same ought to have been Dd to them at a Conference and not otherwise, and that Collo Smith be Directed to Deliver the same to Collo Cortlandt (one of the members who Dd it to him) to return it to the house with that answer.

Adjourned.

At a Councill held at ffort Anne in New York, this 19th *day of May,* 1704.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

SA: SH: BROUGHTON, RIP VAN DAM, THOMAS WENHAM, } Esqrs

MATHEW LING, KILLIAN VAN RANSLAER, } Esqrs

The Attorney Generall in pursuance of an order of this board of the 11th Instant having prepared a Bill for the better and more effectuall Discovery and payment of Quitt rents and other annuall reservations and payments due to her Majtie within this province, and the arrearages thereof, the same was read the first time and ordered a second reading.

Adjourned.

At a Councill held at ffort Anne in New York, this 23th *day of May,* 1704.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

SA: SH: BROUGHTON, RIP VAN DAM, THOMAS WENHAM, } Esqrs

MATHEW LING, KILLIAN VAN RANSLAER, } Esqrs

The Bill for the Better and more effectuall Discovery and payment of Quitt rents and other annuall Reservations and payments due to her Majtie within this province and the arrearages thereof was read the second time and Comitted to the members of this board or any three of them.

The Bill for granting sundry priviledges and powers to the Rector and Inhabitants of the City of New York of the Communion of the Church of England as by Law Established being layd before this board by his Excellency, the saim having been delivered to him by members of the house of Representatives appointed thereunto was read the first time and ordered a second Reading.

The Bill for the Levying and Collecting the sume of £1605. 10s. 00d for the paying 90 ffuzileers their officers Included for 10 monthes and 30 men with their officers to be Imployed as Scouts 60 dayes for the Defence of the ffrontiers having been layd before this board by his Excellency the same having been Delivered to him by Members of the house of Representatives appointed thereunto was read the first time.

On Reading at the board a Message from the house of Representatives desiring a Conference with the Councill upon the subject matter of the last Conference.

Ordered, that Killian van Ranslaer Esqr do acquaint the house of Representatives that the Councill Consent to the said Conference to be held in the Great room in the fort at six of the Clock to morrow in the afternoon with a Comittee of the said house.

Ordered, that the Councill or any three of them be managers of the said Conference.

Adjourned till to morrow morning.

At a Councill held at ffort Anne in New York, this 24th *day of May,* 1704

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

SA: SH: BROUGHTON, RIP VAN DAM, CALEB HEATHCOTE, } Esqrs

THOMAS WENHAM, KILLIAN VAN RANSLAER.

The Bill for Granting sundry priviledges and powers to the Rector and Inhabitants of the City of New York of the Communion of the Church of England as by Law Established was read the second time and ordered a Third Reading.

Adjourned till to morrow morning.

At a Councill held at ffort Anne in New York, this 25th *day of May*, 1704.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

SA: SH: BROUGHTON,	Esqrs	THOMAS WENHAN,	Esqrs
GERRARD BEEKMAN,		MATHEW LING,	
CALEB HEATHCOTE,		KILLIAN VAN RANSLAER,	

The Bill to Charge the severall Cities and Counties in this Colony with £143. 10s 10d for fitting and furnishing a Roome for the Generall Assembly with a Lobby in the City hall of New York, having been layd before this board by his Excellency, the same having been Dd to him by Mr Abeele a member of the house of Representatives appointed thereunto, was read the first time and ordered a 2d Reading.

The Bill for Granting Sundry priviledges and powers to the Rector and Inhabitants of the City of New York of the Communion of the Church of England as by Law Established was read the Third time and passed the Councill.

The Attorney Generall Reported from the Comittee of the Councill appointed to meet a Comittee of the house of Representatives at a Conference at the fort yesterday in the afternoone upon the Subject matter of the last Conference that the sd Comittees had mett accordingly and the Comittee of the said house had Delivered to the Comittee of this board their answer to the reasons offerred by the Comittee of this board for the amendmts to the Bill Intituled, An Act to Repeale the last Clause in An Act of Assembly Intituled An Act for the Quieting and Setling the Disorders that have lately happened within this province &c which was read.

Ordered, that a Message be sent to the house of Representatives to Desire a free Conference with a Comittee of the said house on the subject matter of the last Conference at the fort at nine of the clock to morrow morning and Mathew Ling Esqr do carry the sd Message.

Adjourned till to morrow morning.

At a Councill held at ffort Anne in New York, this 26th *day of May*, 1704.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

SA: SH: BROUGHTON,	Esqrs	CALEB HEATHCOTE,	Esqrs
Wm LAWRENCE,		THOMAS WENHAM,	
GERRARD BEEKMAN,		KILLIAN VAN RANSLAER,	

The Report of Attorny Generall from the Comittee of this board appointed to meet a Comittee of the house of Representatives at a free Conference at her Majties fort in New York on the subject matter of the last Conference, was read at the board, & ordered to ly on the table.

The Bill for Levying and Collecting the Sume of £1605. 10s for the paying ninty ffuzileers their officers Included for ten months and Thirty men with their officers to be Imployed as Scouts 62 dayes for the Defence of the ffrontiers, was read the Second time and Comitted to the Councill or any five of them.

Ordered, that a Message be sent to the Assembly to Desire that all papers and accounts Relating to the making out the Overplus mentioned in the Bill Intituled An Act for Levying and Collecting the sume of £1605. 10s for the paying ninty ffuzileers their officers Included for 10 months and Thirty men with their officers to be Imployed as Scouts 60 Days for the Defence of the ffronteers may be layd before this board for their satisfaction and

Ordered that Collo Wenham Do carry the said Message.

The Attorney Generall's Report from the Comittee to whom the bill for the better and more effectuall Discovery and payment of Quitt rents and other annuall Reservations and payments due to her Majtie within this Province and the arrearages thereof was Comitted was read at the board and the said Bill ordered to be Ingrossed.

Adjourned.

At a Councill held at ffort Anne in New York, this 30th *day of May*, 1704.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

SA: SH: BROUGHTON, RIP VAN DAM, THOMAS WENHAM, Esqrs — MATHEW LING, KILLIAN VAN RENSLAER, Esqrs

The Bill to charge the severall Cities and Counties in this Colony with £143. 10s. 10d for fitting and furnishing a Roome for the Generall Assembly with a Lobby in the City hall of the City of New York was read the second time and comitted to the Councill or any three of them.

The Ingrossed Bill for the Better and more effectuall Discovery and payment of Quitt rents and other annuall Reservations and payments due to her Majtie within this province and the arrearages thereof was read the Third time and passed the Councill and

Ordered, that Rip van Dam Esqr do carry the same to the Assembly for their concurrence.

His Excellency acquainted the Councill that he had Received a Message from the Assembly by Major van Brunt with the Bill Intituled, An Act for the better Expleining An Act made in the second yeare of her present Majties Reigne Intituled, An Act to oblige persons to pay their arrears of £1000 tax granted by act of Generall Assembly of this Colony in the 12th yeare of our late Soveraigne King William the Third of Blessed memory for building a fort at Onnondage for the security of the five nations of Indians & for the Remedying some Irregular proceedings comitted in Kings County in the Execution of the said act.

The said Bill was read the first time and ordered a second Reading.

At a Councill held at ffort Anne in New York, this 31th *day of May*, 1704.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

SA: SH: BROUGHTON, RIP VAN DAM, CALEB HEATHCOTE, Esqrs — THOMAS WENHAM, MATTHEW LING, KILLIAN VAN RENSLAER, Esqrs

The Bill for the Better Expleining An Act made In the second yeare of her present Majties Reigne Entituled, An Act to oblige persons to pay their arreares of one thousand pounds tax &c was read the second time and Comitted to the Councill or any three of them.

The Attorney Generalls Reported from the Comēe to whom the Bill for Levying and Collecting of £1605. 10s for paying 90 ffuzileers their officers Included for 10 mo & thirty men with their officers to be Imployed 60 dayes for the Defence of the frontiers was Comitted that they had gone through the said Bill and made severall amendments thereto which were read.

The Attorny Generall Reported from the Comittee to whom the Bill to charge the severall Cities and Counties in this Colony with £143. 10s. 10d for fitting and furnishing a Roome for the Generall Assembly with a Lobby in the City hall of New York was Comitted that they had gone through the sd Bill and Directed him to Report that the same may passe without any amendment.

Myndert Schuyler and Jacobus Van Cortlandt from the Assembly brought a Message acquainting his Excellency they have nothing before them and Desire to know what further Comands his Lordship hath for them for the service of her Majtie and the Countrey.

Whereupon his Excellency Comanded the Clark of the Councill to acquaint the Assembly that his Lordship required their attendance to morrow morning at Eleaven of the Clock at the fort.

His Excellency produced at the Board his Instruccōns from her Majtie relating to the passing of Laws in this province, whereby his Lordship is Directed to take care that the same do passe as followeth vizt: *Be it Enacted by the Govr Councill and Assembly.*

Adjourned till to morrow morning.

At a Councill held at ffort Anne in New York, this first day of June, 1704.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

SA : SH : BROUGHTON, WM LAWRENCE, GERRARD BEEKMAN, } Esqrs

RIP VAN DAM, CALEB HEATHCOTE, THOMAS WENHAM, KILLIAN VAN RENSLAER, } Esqrs

The Speaker with the whole Assembly being present according to the Message sent to them yesterday by the Clark of the Councill his Excellency sayd

Gentlemen,

I Have required your Attendance here this Day, to take Notice to you of several Innovations lately attempted to be set on Foot, by some of you never thought of, nor attempted by any of your Predecessors, and which can tend to Nothing, but to disturb that Quiet, which her most Sacred Majesty the Queen, desires all her Subjects should enjoy, in all the Parts of the World under her Dominion; this can be effectually hindered by nothing, but by the Subjects attempting to invade the Property of the Queen, or assuming to themselves to exercise a Power, vested by the Crown in the Governor alone.

And as these are Things, which I shall never suffer during the Time, her Majesty will be pleased to trust the Administration of this Government in my Hands, so I shall always do my Part in admonishing of you, hoping that may bring you to think so seriously, that I may not be forced to exert the Powers vested in me by the Queen, nor to make Representations to her Majesty to your Disadvantage.

The first Thing I shall take Notice of, is the Stile you have make Use of in some of your late Bills, in which you insist upon the Title of General Assembly, because they are Words used in the Letters Patents, which constitute me Governor of this Province; and at the same Time, you are very unwilling to admit of the word Advice, though contained in the same Letters Patents, notwithstanding, in the Reasons you delivered to the Gentlemen of her Majesty's Council, for this Province, at a Conference you said the said Letters Patents, are the Measure of the Power of this Government, and the Rules of the People's Obedience; but it seems, you think yourselves the only Interpreters of the Queen's Meaning, which I must tell you appertains to me; I must further observe to you, that in your Votes of the Twenty-sixth Day of May, you have made a Resolve in these Words.

Resolved, *That this House, for the avoiding all Delay, will at this Time, admit of that Amendment, always saving their Rights, this Compliance notwithstanding.* But you do not think fit to mention what those Rights are, and as I know of none that you have as an Assembly, but such as the Queen is pleased to allow you, so I think it my Duty to require you (which I now do) to lay before me, as soon as may be, what those Rights are, which you pretend to save in that Vote.

The next Ting, I shall take Notice to you of is, that in your Bill, for raising *One Thousand, Six Hundred* and *Five Pounds, Ten Shillings*, for the paying 90 Fuzileers, their Officers included, you take it upon you to direct what Number of Officers, there shall be to command those Men, and where they shall be posted; nay, you take it upon you to say, that none of the Inhabitants of Albany shall be commanded upon that Service, unless it be for Out-Scouts; these are Powers do in no Manner belong to you; they are vested soly in me, and I will never suffer you to meddle with them. I must take Notice to you, of another Vote you made, with relation to the *Eighteen Hundred Pounds* Tax, and *Thirteen Hundred Pounds* Tax, and there you have voted, that there is due to the Colony, the Sum of *Nine Hundred* and *Thirteen Pounds, Fifteen Shillings.* It is true, the Queen is pleased to command me in her Instructions, to permit the Assembly from Time to Time, to View and examine the Accounts of Money, or Value of Money disposed, by Virtue of Laws made by them, but you can in no wise meddle with that Money. But if you find any Misapplication of any of that Money, you ought to acquaint me with it, that I may take Care to see those Mistakes rectified, which I shall certainly do.

Gentlemen,

I cannot conclude, without observing to you, that though I recommended to your Consideration, the State of the Revenue at the beginning of this Session, you have not thought fit to make any Provision, for the necessary Support of the Government, though it is evident to all Mankind, that the present Revenue cannot do it; I must say, this is not a suitable Return to the Queen's Favours.

The Bill for Levying and Collecting of £1605. 10s for paying ninty ffuzileers their officers Included for ten monthes and thirty men with their officers to be Imployed sixty days was read the Third time with the amendmts.

Resolved, the Bill with the amendments do passe the Councill.

Ordered, that the same be sent down to the assembly for their Concurrence to the said amendments, and that Gerrard Beekman Esqr do carry the same.

Adjourned till to morrow morning.

At a Councill held at ffort Anne in New York this second day of June, 1704.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

SA: SH: BROUGHTON, CALEB HEATHCOTE, THOMAS WENHAM, } Esq^rs

MATTHEW LING, KILLIAN VAN RENSLAER, } Esq^rs

The Attorney Generall Reported from the Comittee to whom the Bill Intituled, An Act for the Better Expleining An Act made in the second yeare of her present Majties reigne Intituled, An Act to oblige persons to pay their arreares of one thousand pounds tax Granted by act of Generall assembly for building a fort at Onnondage &c & that they had gone through the said Bill and made severall amendments thereto.

Ordered, the said Bill be read the third time.

Adjourned.

At a Councill held at ffort Anne in New York the sixth day of June, 1704.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

SA: SH: BROUGHTON, RIP VAN DAM, THOMAS WENHAM, } Esq^rs

MATTHEW LING, KILLIAN VAN RENSLAER, } Esq^rs

The Bill Intituled, An Act for the Better Explaining An Act made in the second yeare of her Majties Reigne Intituled, An Act to oblige persons to pay their arreares of one Thousand pounds tax Granted by act of Generall assembly for building a fort at Onnondage &c with the amendments was read the third time.

Resolved, the said Bill with the amendments do passe the Councill.

Ordered, the same be sent down to the house of Representatives for their Concurrence to the said amendments and that Killian van Renslaer do carry the same.

Ordered, that Amendments be made to the Bill to charge the severall Cities & Counties in this Colony with £143. 10^s. 10^d for fitting and furnishing a Room for the Generall assembly with a Lobby in the City hall of New York, vizt That in fol the first Line the Eighth after the word [by] and before the word [Govr] leave out these words [your Excellency our] and in lieu thereof Insert the word [the] In the same Line after the word [Govr] and before the word [Councill] in the ninth Line leave out these words [by and with the Consent of her Majties] and after the word [and] in the ninth Line and before the word [assembly] in the same Line leave out the word [this]

The said Bill with the amendments was read the Third time.

Resolved, that the said Bill with the amendments do passe the Councill and be sent down to the Assembly for their Concurrence to the s^d amendments and that Matthew Ling Esqr do carry the same.

Adjourned.

At a Councill held at ffort Anne in New York this ninth day of June, 1704.

PRESENT— *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

SA: SH: BROUGHTON, Wm LAWRENCE, RIP VAN DAM, } Esq^rs

THOMAS WENHAM, KILLIAN VAN RENSLAER, } Esqr

MATTHEW LING Esqr Serovenit.

Mr Lakerman from the Assembly brought up the Bill to Charge the severall Cities and Counties in this Colony with £143. 10^s. 10^d for fitting and furnishing a Room for the Generall Assembly with a Message that the Assembly had agreed to the amendm^ts made thereto by the Councill

Ordered, that the Clark of the Councill do Insert the amendments in the said Bill.

His Excellency layd before this board the Bill Intituled, An Act for the better Explaining An Act made in the second yeare of her present Majties Reigne Intituled, An Act to oblige persons to pay their arreares of £1000 tax granted by act of Generall Assembly of this Colony in the 12th yeare of our late Soveraigne King W^m the Third of Blessed memory for building a fort at Onnondaga, the same having been Dd to him from the Assembly with a message that they had agreed to the amendments made by the Councill thereto.

Ordered, that the Clark of the Councill do Insert the amendments in the said Bill.

A Message came from the Assembly by Mr Stillwill with the Bill Entituled, An Act for the Better laying out, further Regulating and preserving publick comon highways in this Colony and for the erecting and Building a County Jayle or County house in the County of Richmond.

The Speaker with the whole Assembly (being present in the Councill Chamber) addressed his Excellency in the words following:

To his Excellency EDWARD Viscount CORNBURY, Captain General and Governor in Chief of her Majesty's Colony of New York, and Territories depending thereon in America, and Vice Admiral of the same.

The humble ADDRESS of the General Assembly.

My Lord,

Ever since this Assembly have been elected by the Country, next it's true Interest, they had nothing so much in their Thoughts, as doing such Things as might render them and their Actions agreeable to your Lordship, that being in your good Opinion, they might be the better enabled to perform the Services for which they were chosen: It is with great Concern they find they are mistook, and charged with Innovations; their Endeavours are to conform themselves to the Letter, as well as to the true Intent (as they understand them) of the Commissions under the great Seal from the Crown.

They never had, nor can have the least Thought of attempting the Invasion of her Majesty's Property, or assuming to themselves any Powers of Government whatsoever, nor do they believe, your Lordship will exert any Powers, but what are lawful, nor make any Representations but what are just.

The Stile of General Assembly, is what in all Commissions, that mention of Assembly is given to the Deputies of the People, and that they shall be called and held by that Name; but since your Lordship hath been pleased to direct the Stile of the Acts according to your Lordship's Instruction (as they are informed) they heartily agree and consent to the same.

The Reason they have been dissatisfied with inserting the Word, *Advice*, in Acts of Assembly, is it's not being applicable to that Purpose (as they apprehend) in the making of Laws, the Consent of the Council and Assembly, or the major Part of them respectively is, expressly, and only required, your Excellency is not directed, in the making of Laws, to take the *Advice* of Council or Assembly, or both, but manifestly the contrary, your Lordship's own Prudence, being wholly and solely intrusted to prevent, that whatsoever might be agreed on by the Council and Assembly (if in your Excellency's Judgment) to the Prejudice of the Crown, should not receive the Sanction of a Law; and the so often Repetition in the *English* Histories and Laws of these Words, *common Consent in Parliament*, (to which Laws, being the Birth right of *Englishmen*, this Assembly humbly lays a just Claim) appears to them a clear Illustration of the Matter.

All Commissions from the Crown have hitherto been not only openly and solemnly published, but recorded in the Secretary's Office, for the Subject to have recourse to on Occasion, and the publishing, has ever been, by special Direction and Instructions from the Crown; this must be to the End, they may be construed and understood by the People, and can be to other Purpose whatsoever.

My Lord,

This Assembly being intrusted by the People of this Plantation, with that Care of their Liberties and Properties, and sensible of their own Weakness, least through Ignorance or Inadvertency, they should Consent to any Thing hurtful to themselves or their Posterity (in all Things admitting of doubts) are willing to save their Rights, and those Rights they mean to be that natural and civil Liberty, so often claimed, declared and confirmed, by the *English* Laws, and which they conceive every free *Englishman* is intitled to, whatsoever else may admit of Controversy, the People of this Colony think, they have an undoubted, true and intire Property in their Goods and Estates, of which they ought not to be divested, but by their free Consents, in such Manner and to such Ends and Purposes, as they shall think fit, and not otherwise, if the contrary should be admitted, all Notion of Property would cease. Every Man is the most proper Judge of his own capacity in giving, and the present extream Poverty of this Country is both visible and too apparent, they humbly insist, that since several of their Neighbours, who neither bear nor feel our Burthens, are covered by, and more than equally concerned in our Defence, ought proportionably to contribute toward it, in the mean Time, this Colony does it's utmost.

The Assembly are sorry to be misunderstood, relating to the Bill, for raising *One Thousand, Six Hundred* and *Five Pounds, Ten Shillings*, for paying 90 Fuzileers, *&c.* They do not there take on them, to restrain the Number of Officers, though the Calculation is for the Pay of 90 Men, including one Captain and two Lieutenants, *&c.* They are humbly of Opinion, the Payment of *One Thousand, Six Hundred* and *Five Pounds, Ten Shillings*, will strain the poor Inhabitants beyond their Ability, and therefore, dare not impose further on them, and the

mention of the Posting of them, was solely occasioned from the Expression (as they took it) to that Purpose in your Excellency's Speech.

The Argument of which caused the Clause in the Bill, restrictive of the Inhabitants of *Albany*, was that, That Country being a Frontier weak, and wanting Men from other Parts for its Defence, but the vicious Corruption of some Officers, many such Persons were excused, paying each *Six Pounds*, and by a List produced in the Assembly, more than a sixth Part of such Men, which should have been sent up from hence, were made up (as affirmed by credible Witnesses) of Men of that County, some of them remote from *Albany*, who doing little or no Duty, their Pay was misapplied, the designed Defense neglected, and were no Addition to the Strength of the Frontiers.

Mr. *Fauconier*, the Accomptant, makes due to the Militia, for Ballance of the *Eighteen Hundred Pounds* Tax, *Four Hundred* and *Twenty-eight Pounds*, *Ten Shillings* and *Ten Pence*, and by several Objections made against divers Misapplications, both in the Accounts of the *Eighteen Hundred Pounds*, and *Thirteen Hundred Pounds* Taxes, there appeared, *Four Hundred* and *Eighty-five Pounds*, *Four Shillings* and *One Penny* more, both these Taxes being raised, to be applied for the Defence of the Frontiers, and all publick Monies being to be disposed for the support of the Government, and not otherwise; the Assembly were induced to make a Computation accordingly, especially since the Instructions from her Majesty to permit, the Assembly from Time to Time, to view and examine the Accounts of Money, disposed by Virtue of Laws made by them (in their Apprehensions) can have no other Conclusion, and they will have, no doubt, but your Lordship, will accordingly take Care, to see those Mistakes rectified.

My Lord,

The languishing Estate of her Majesty's Revenue here, cannot be considered without melancholy Reflections, the People of this Government (one of the least in the English Empire) towards it's Support, having liberally out done all Mankind, and it's feared themselves; the Advance or Decay of the Revenue, seems to be the Pulse of the Felicity or Misery of the People, and its Decrease is a plain Evidence of the wretched Condition of the Inhabitants, to lay any further Impositions on Trade, will be in Effect, a total Prohibition, the present War, and many other Accidents, have too unhappily contributed to its Destruction already.

Her Majesty's royal Favours, shall ever have that due Impression on their Hearts, which becomes dutiful, loyal and affectionate Subjects, sensible of her matchless Justice and Bounty, and from whom they question not, that Protection and Support, which will prevent the unavoidable Ruin, that otherwise must be their Portion.

Adjourned.

At a Councill held at ffort Anne, this fourteenth day of June, 1704.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

SA : SH : BROUGHTON,	Esq^{rs}	THOMAS WENHAM,	Esq^{rs}
GERRARD BEEKMAN,		MATTHEW LING,	
RIP VAN DAM,		KILLIAN VAN RANSLAER,	

The Bill for the Better laying out further Regulating clearing and preserving publick cõmon highways in this Colony and for the erecting and Building a County Jayle and County house in the County of Richmond was read the first time and ordered a second Reading.

His Excellency acquainted the Councill that Mr Lakerman from the Assembly had Delivered to him the Bill for Levying and Collecting of £1605. 10^{s} for the paying ninty fuzileers their officers Included for ten months and Thirty men with their officers to be Imployed as scouts sixty dayes for the Defence of the ffrontiers together with a Message from the Assembly in these words, vizt

Resolved, that it is Inconvenient for this House to admitt of any amendment made by the Councill to a Money Bill.

Ordered, a Message be sent to the Assembly that the Councill Desire a Conference with them on the subject matter of the said Message at the fort to morrow morning at nine of the clock and that Killian van Renslaer Esqr do carry the said Message.

His Excellency layd before the board a Message from the Assembly by Mr Willet with the Ingrossed Bill for the Better and more effectuall discovery and payment of Quitt rents and other Annuall Reservations and payments due to her Majtie within this her Majties Colony of New York in America and the arrearages thereof the Assembly having made severall amendments thereto.

Ordered, that the same be Referred to the Members of this board or any three of them to Examine and Report to this board.

Adjourned till to morrow morning.

At a Councill held at ffort Anne in New York, this fifteenth day of June, 1704.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

SA: SH: BROUGHTON, GERRARD BEEKMAN, RIP VAN DAM, Esq^rs — MATTHEW LING, KILLIAN VAN RENSLAER, Esq^rs

The Report of the Gentl of the Councill to whom the Amendments made by the Assembly to the Ingrossed Bill for the Better and more effectuall discovery and payment of Quitt Rents and other annuall Reservations and payments due to her Majtie within this her Majties Colony of New York in America and the arrearages thereof were Comitted being read.

Ordered, a Message be sent to the Assembly that the Councill desire a Conferrence with them on the subject matter of the said amendments at the fort to morrow morning at nine of the clock and that Matthew Ling Esqr do carry the said Message.

Ordered, that the Councill or any five of them be the managers of the s^d Conference.

The Bill for the Better laying out further Regulating Clearing and preserving publick Comon highways in this Colony and for the erecting and Building a County Jayle and County house in the County of Richmond was read the second time and Comitted to the Councill or any three of them.

Adjourned till to morrow morning.

At a Councill held at ffort Anne in New York, this sixteenth day of June, 1704.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

SA: SH: BROUGHTON, RIP VAN DAM, THOMAS WENHAM, Esq^rs — MATTHEW LING, KILLIAN VAN RENSLAER, Esq^rs

The Report of the Gents of the Councill to whome the Bill for the Better Regulating Clearing and preserving of publick Comon highways in this Colony and for the Erecting and Building a County Jaile & City and County house in the County of Richmond was Comitted was read and approved of & the said bill was read the third time.

Resolved, the said Bill do passe the Councill.

The Comittee of the Councill appointed to be managers of the Conference with the assembly on the subject matter of the amendments made by the assembly to the Ingrossed Bill for the Better & more effectuall Discovery & payment of Quitt rents and other annuall Reservations and payments due to her Majtie &c acquainted his Excēll that at the said Conference they had Delivered to the assembly their reasons for not agreeing to the amendments made by them to the s^d bill.

Adjourned.

At a Councill held at ffort Anne, this 19th *day of June,* 1704.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

SA: SH: BROUGHTON, GERRARD BEEKMAN, RIP VAN DAM, Esq^rs — THOMAS WENHAM, MATTHEW LING, Esq^rs

A Message being sent from the assembly to this board by Mr Purdy to Desire a Conference with them on the subject matter of the last Conference.

Ordered, a Conference be held with the assembly accordingly to morrow morning at Eleaven of the Clock at the fort. that Rip van Dam Esqr do carry the said Message. And that the Councill or any three of them be the managers thereof.

Ordered, that the Clerk of the Councill do amend the Bill to Repeale the last Clause in An Act of Assembly Intituled, An Act for the Quieting and Setling the Disorders that have lately happened within this province and for Establishing and securing their Majties present Goverment against the like Disorders for the future according to the Consent of the Assembly and

Resolved, that the s^d Bill so amended do passe the Councill.

Adjourned till to morrow morning.

At a Councill held at ffort Anne in New York, this Twentieth day of June, 1704.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

SA: SH: BROUGHTON, GERRARD BEEKMAN, RIP VAN DAM, } Esq^rs — THOMAS WENHAM, MATTHEW LING, } Esq^rs

Sampson Shelton Broughton Esqr Chairman of the Comittee of the Councill appointed to meet the assembly at a Conferrence on the subject matter of the last Conference Reported to his Excelleney in Councill That the Comée of the assembly had at the s^d Conference Dd to them a paper Conteyning reasons &c which was read.

Ordered, that a free Conference be Desired with the assembly at the fort on the subject matter of the last Conference on Thursday morning at Eleaven of the Clock, that the Councill or any three of them be the managers of the said Conference and that Gerrard Beekman Esqr do carry the said Message.

Adjourned till Thursday morning next.

At a Councill held at ffort Anne, this 22th *day of June,* 1704.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

SA: SH: BROUGHTON, GERRARD BEEKMAN, } Esq^rs — RIP VAN DAM, THOMAS WENHAM, } Esq^rs

The Attorney Generalls Report from a Comittee of this board appointed to meet the Assembly at a free Conference this day on the subject matter of the last Conference was referred to further Consideration.

Adjourned till to morrow morning.

23th May 1704 Adjourned till to morrow morning.

24th May 1704 Adjourned till Munday morning.

26th May 1704 Adjourned till Tuesday morning.

At a Councill held at ffort Anne this 27th *day of June,* 1704.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

SA: SH: BROUGHTON, GERRARD BEEKMAN, RIP VAN DAM, } Esq^rs — THOMAS WENHAM, MATTHEW LING.

Mr Attorney Generall Dd a Message sent by the Assembly to this board in writing by Mr Purdy that they consented to alter the Amendment of three Justices of the peace to two in the sixth amendment made by the Assembly to the Bill about Quitt rents.

The Speaker with the whole Assembly being present in the Councill chamber his Excellency sayd to them

[No speech in the Minutes.]

and adjourned them to the 2^d day of 8^ber next.

Then his Excellency gave the assent to the severall Bills following Enacting them and ordering them to be enrolled under the seale of the province vizt

1st The Bill for granting sundery priviledges and powers to the Rector and Inhabitants of the City of New York of the Communion of the Church of England as by Law Established.

2^d The Bill to Charge the severall Cities and Counties in this Colony with £143. 10^s. 10^d for fitting and furnishing a Room for the Generall Assembly with a Lobby in the City hall of New York.

3^d The Bill for the Better Explaining An Act made in the second yeare of her present Majties Reigne Intituled An Act to oblige persons to pay their arreares of £1000 tax granted by act of Generall Assembly of this Colony in the 12th yeare of our late Soveraigne King W^m the Third of Blessed memory for building a fort at Onnondaga for the security of the five nations of Indians

and for the Remedying some irregular proceedings Comitted in Kings County in the Execution of the said act.

4th A Bill for the Better Regulating Clearing & preserving publick Comon highwayes in this Colony and for the erecting and Building a County Jaile and City & County house in the County of Richmond.

5th A Bill for Repealing the last clause In An Act of Assembly Intituled, An Act for the Quieting and Setling the Disorders that have lately happened within this Province, and for Establishing and securing their Majties present Goverment against the like Disorders for the future.

Then his Excellency with the Councill and Assembly went to the City hall of the City of New York where the said Acts were publickly read by the Clark of the Councill.

NINTH ASSEMBLY FIFTH SESSIONS.

At a Councill held at ffort Anne in New York, this Sixth day of October, 1704.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

SA: SH: BROUGHTON, RIP VAN DAM, } Esqrs THOMAS WENHAM, Esqr

Severall of the members of the Generall Assembly not being yett come to town
Ordered, a proclamation issue for adjourning the Generall Assembly untill Thursday the 12th Instant.

At a Councill held at ffort Anne this 12th *day of October*, 1704.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

SA: SH: BROUGHTON, GERRARD BEEKMAN, } Esqrs

His Excellency ordered the Clark of the Councill to acquaint the Generall assembly to attend his Lordship in Councill at the fort Imeadiately which being done and the Generall assembly being present his Excell sayd

Gentlemen,

The Assembly of New-Jersey, having detained me some Days longer than at first I intended, and the Season of the Year being so far advanced, are the Reasons which induce me to recommend to your Considerations for this Sessions, as few Things as may be, and indeed the two chief Things, which I most earnestly recommend to you, to be provided for at this Time, are the low Condition of the Revenue, and the Defence of the Frontiers; I did in June last, recommend to you Gentlemen, of the House of Representatives, to lay an additional Duty, on certain Commodities, which had been granted by a former Assembly of this Province, but expired, when I recommended that to you, I did it, as a Thing, which in my Judgment, would in some Measure help the Revenue, without any Burthen upon the People. Some Gentlemen, were then of Opinion, that such an additional Duty, would be a Clogg upon the Trade of this Place; if they have taken the Pains to enquire into that Matter, I do not question but they will be of another Mind; for my Part, I did enquire of some of the most considerable Merchants of this City, who told me, that such a Duty, would have been rather a Help, than a Hindrance or Clogg to the Trade of this Place, being well persuaded, that those Gentlemen were right in their Opinions, I once more recommend the Consideration of such a Duty to you, or else, that you will consider of some other Method, to enable her most Sacred Majesty the Queen, to support the necessary Charges of the Government, which the present Revenue will not do; the next Thing, is the Defence of the Frontiers of this Province, in order to that, I did in July last, order a Detachment of 100 Men, out of the Militia for that Service, the greatest Part of that Number did go up to Albany, and have been posted in the Places most convenient for the Defence of the Country, which has kept us quiet this Summer. I think they ought to be kept there till the

last Day of March next at least, and that some Out-Scouts, should be raised for this Winter; I therefore recommend it to you, Gentlemen of the House of Representatives, to prepare such a Bill, as may raise a Sum sufficient, for the paying the Men that have been sent up, and for the Out-Scouts, with such contingent Charges, as may be necessary for their going to Albany, and returning home again, if there is any Thing, else that may be reasonable to be Enacted at this Time, you shall find me ready to embrace all Occasions of doing such Things as may be for the Good of her Majesty's Subjects in this Colony; I have nothing further to recommend to you at this Time, but Unanimity in your Consultations, and Dispatch in the Matters before you.

Adjourned till Tuesday the 17th Instant.

17th October 1704 Adjourned till Thursday 19th inst.

19th October 1704. Adjourned till to morrow morning

20th October 1704. Adjourned till Tuesday morning

24th October 1704. Adjourned till Thursday morning

At a Councill held at ffort Anne this 26th *day of October*, 1704.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH, PETER SCHUYLER, SA: SH: BROUGHTON, GERRARD BEEKMAN, RIP VAN DAM, } Esqrs

CALEB HEATHCOTE, THOMAS WENHAM, KILLIAN VAN RENSLAER, } Esqrs

Myndert Schuyler and John Jackson Esqrs from the Assembly having layd before the Councill a Bill Intituled, An Act for the Defence of the ffrontiers, the same was read the first time and ordered to have a second reading

Stephen Delancey and Thomas Gorton Esqrs from the Assembly Desire that Jonathan Whitehead Esqr who hath been Elected to serve in the Assembly for Queens County in the room of his father Daniell Whitehead Esqr lately Decēad may take the usuall oathes in order to Qualifie himself to take his place in the said house.

The said Jonathan Whitehead Esqr took the oathes appointed by act of parliament to be taken instead of the oathes of allegiance & Supremacy and subscribed the Test & swore to and subscribed the abjuration oath in Councill

At a Councill held at ffort Anne this 27th *day of October*, 1704.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH, PETER SCHUYLER, SA: SH: BROUHTON, Wm LAWRENCE, GERRARD BEEKMAN, } Esqrs

CALEB HEATHCOTE, THOMAS WENHAM, KILLIAN VAN RENSLAER, } Esqrs

The Bill Entituled, An Act for the Defence of the ffrontiers was read the second time and Comitted to the Councill or any three of them.

Adjourned.

At a Councill held at ffort Anne this 3d day of November, 1704.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH, PETER SCHUYLER, Wm LAWRENCE, } Esqrs
THOMAS WENHAM, KILLIAN VAN RENSLAER, } Esqrs

The Report of Collo William Smith Chairman of the Comittee of the Councill to whom the Bill Intituled, An Act for the Defence of the ffrontiers was Comitted was read, and the Said Bill together with the Amendments was read the third time and passed the Councill, and ordered to be sent down to the Generall assembly for their assent to the said Amendments and Killian van Renslaer desired to carry the same

Adjourned till to morrow morning.

At a Councill held at ffort Anne this fourth day of November, 1704.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH, PETER SCHUYLER, SA: SH: BROUGHTON, } Esqrs
WILLIAM LAWRENCE, RIP VAN DAM, KILLIAN VAN RENSLAER, } Esqrs

A Message from the Assembly by Evert Banker and John Abeele Esqrs acquainting this board with the Resolve of the Assembly made last meeting That it is Inconvenient for this house to admitt of any amendment made by the Councill to a Money Bill.

His Excellency ordered the Clark of the Councill to acquaint the Generall Assembly that his Lordship required their attendance Imeadiately at the fort.

The Clark of the Councill Returning acquainted his Excellency that he found only the Clark of the Assembly in the said house, who acquainted him that the Assembly had adjourned themselves till Tuesday morning.

Ordered, that the Clark of the Councill do find out the Speaker of the Generall Assembly and acquaint him that his Excellency Requires his attendance with the Assembly on Munday morning next at Eleaven of the clock.

Adjourned till Munday morning Eleaven of the clock.

At a Councill held at ffort Anne this sixth day of November, 1704.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Wm SMITH, PETER SCHUYLER, SA : SH : BROUGHTON, } Esqrs
WILLIAM LAWRENCE, KILLIAN VAN RENSLAER, } Esqrs

In obedience to the order of this board of the 4th Instant the Speaker with the Assembly being present in the Councill Chamber his Excellency DISSOLVED the said Generall Assembly, and Declared that in a short time he would issue writts for the Electing of a new Assembly to meet and sitt in the spring.

[IN EXECUTIVE SESSION.]

14 *March*, 170$\frac{4}{5}$.

Ordered, the Secretary do issue Writts for a Generall Assembly to be elected to meet and sitt one the first day of June next.

TENTH ASSEMBLY FIRST SESSIONS.

At a Council held at Fort Anne in New York, this 9th day of June, 1705.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

RIP VAN DAM, THO: WENHAM, } Esq^rs ROGER MOMPESSON, JOHN BARBARIE, } Esq^rs

His Excell acquainted this Board that this being ye day ye Assembly was to meet according to adjournm^t & ye Clerk of ye Assembly having attended him, he did order him to enquire what members were in Town who being returned did acquaint his Excell That there were only Eleven of ye members in Town who not being a sufficient number to choose a Speaker

Ordered, that a Proclamaõn be Issued to adjourn the said Assembly till Munday next being ye 11th Instant & y^t all ye members be required to give their attendance.

At a Council held at Fort Anne in New York, this 11th day of June, 1705.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

RIP VAN DAM, THO: WENHAM, ROGER MOMPOSSON, } Esq^rs JOHN BARBARIE, ADOLPH PHILIPS, } Esq^rs

A Message from his Excell by ye D Clerk of ye Council to ye house of Representatives comãnding ye Gents of y^t house to attend his Excell in Councill immediately.

The Representatives having attended his Ex^cy accordingly he was pleased to direct them to Repair to ye house in order to choose a Speaker to be presented to him for his approbaõn y^t thereby they might be Enabled to act as a House.

At a Council held at Fort Anne in New York, this 14th day of June, 1705.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

RIP VAN DAM, THO. WENHAM, ROGER MOMPESSON, } Esq^rs JOHN BARBARIE, ADOLPH PHILIPS, } Esq^rs

A Message from his Excell by ye D Clerk of ye Council to ye house of Representatives commanding their attendance on him in Council immediately, wch they accordingly did & presented Mr Wm Nichols to be their Speaker who was approved of and all the members of ye Assembly who were then present having taken ye oaths as ye Law directs his Excell did then make unto them ye following speech vizt

Gent:

The Govrs Speech to ye assembly.

I am sorry ye Queens service in ye neighbouring Province & ye ill weather we have lately had has hindred me from meeting this assembly so soon as I intended, however I hope we will still have time enough to dispatch such things as may be necessary to be provided for at this time those wch I shall more particularly recomend to ye Care of you Gentlemen of ye house of Representatives, are these, first y^t a sum may be provided sufficient to pay one hundred Fuzeleers & Fifty outscouts wth their proper officers to be sent to Albany & places adjacent for ye defence of ye Frontiers for one year & likewise y^t provision may be made for their going up to & Returning from Albany & likewise for bedding for them while they are there. this is of absolute necessity at this time because I have rece^d an acco^t of a design of the Waghana Indians wth sev^ll other nations in Amity wth ye French to attack our five nations, who if they see, y^t we are either not willing or not able to support & defend them ag^st their enemies will ye more easily be perswaded to go over to ye French ye ill Consequence whereof are so well known y^t I need not mention them to you nor will I trouble you wth any particulars of this news because I had it from those Gentlemen who are chosen to serve for this Assembly in ye County of Albany & who are well able to inform you of ye truth of y^t matter

The next thing I recomend to your care is, ye providing such a sum as may be sufficient to pay & defray ye Charges of the Detachm^t sent up to Albany for ye defence of ye Fronteers last Fall, an acco^t whereof shall be laid before you I must take notice to you y^t ye Bill for settling ye militia wch was pass'd in the year 1702 is Expired by its own Limitation I think 'tis very necessary y^t Act should be reviv'd.

The Difficulty's wch some very worthy ministers of ye Church of England have met wth in getting ye maintenance settled upon them by an Act of Gen^ll Assembly of this Province passed in ye year 1693, moves me to propose to you ye passing an Act Explanatory of ye aforementioned Act; y^t those worthy good men, who have ventured to come so far, for ye service of God in his Church, and ye Good & Edification of ye people, to ye Salvation of their souls, may not for the future be vexed, as some of them have been, but may Enjoy in Quiet y^t maintenance wch was by Law provided for them; I further Recomend to you ye passing an Act to provide for ye maintenance of some ministers, in some of ye Towns, at ye East End of Long Island where I do not find any provision has been yet made for the propegating Religion

The next thing wch I think does very highly deserve yor serious thoughts, is, ye laying a Duty upon all European Goods imported into this Colony, from any of ye neighbouring Provinces; whereas now those Goods pay no greater Dutys than those which come directly from Engl^d. I did recomend this matter to ye last assembly, and I'm affraid ye not doing of it at y^t time, has been a Considerable prejudice to ye Trade of this Province, & I am perswaded y^t unless Effectual care be now taken in y^t matter, ye Trade of this place will not only become precarious, but our navigation will be entirely Ruined; I am of opinion it would be very proper to lay a Duty upon all Rum, and other spirits Imported from any place whatsoever Except England, & her Ma^tys Islands in ye West Indies; I therefore Earnestly Recomend to yor care ye preparing such a Bill as may Effectually answer ye Ends proposed

I further Recomend to yor Consideration whether ye passing an Act to discourage ye Exportation of Corn, & to Encourage ye Exportation of Flower from this Province would not be of good advantage to Trade.

I observe y^t during ye late War, at a time when much greater sums were given for ye Defence of ye Frontiers, than have ever been demanded since ye beginning of this, ye Assemblys in those times thought fit to Grant sev^ll sums of money towards the discharging of ye Debts of ye Province, whether it is not as reasonable to take ye same methods now, to discharge ye Debts that were Contracted before my coming to this goverm^t I leave to yor Consideration only I think it a Duty in Cumbent on me, to put you in mind of it, y^t ye people to whom these Debts are due may not think themselves neglected.

I am of opinion it will be necessary to pass An Act to prevent ye clipping & Defacing ye Forreign Coin wch has Currency in this Province; and another for ye more Effectual Suppressing of Scandalous Houses & Bawdy Houses & to prevent scandalous women from coming from ye neighbouring Provinces to live in this; and another to punish negros Indian & molatto slaves, & to prevent their Running away from their masters.

These gentlemen are ye things I thought fit to propose to yor Considerations at this time, I must now acquaint you y^t her Most Sacred Ma^ty has been pleased to order y^t for ye future no Govr Lieu^t Govr Commander in Chief of this Province shall receive any Gift or present from ye Countrey, which order you will find Entred in yor Journals, all ye Return the Queen Expects for ye Easing you of ye Burden of those presents is, y^t you contribute more freely to ye defence of ye Countrey.

I have nothing more to offer to you at this time, only unanimity in yor Consultaōns, & dispatch in ye matters before you.

If any thing occurs to you wch you think may be for ye service of ye Queen & ye good of ye Countrey, you shall always find me ready not only to hear it but to Joyn heartily wth you to promote anything y^t is reasonable.

Adjourned.

At a Council held at Fort Anne in New York, this 28th *day of June*, 1705.

PRESENT— *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, RIP VAN DAM, THO. WENHAM, CALEB HEATHCOTE, } Esq^rs

ROGER MOMPESSON, JOHN BARBERIE, ADOLPH PHILIPS, } Esq^rs

A Message from ye house of Representatives by Capt Garton and Cornelius Sebering desiring that Mr Sam^ll Mulford who was Elected & Returned one of ye members to serve in this present assembly for ye County of Suffolk upon Nassaw Island may take ye oaths appointed by Law in

order to qualify him to sit in y^t House accordingly ye s^d Mr Mulford did take ye oaths appointed by act of parlia^t to be taken in stead of ye oaths of Supremacy & allegiance took & subscribed ye association & subscribed ye Test.

At a Council held at Fort Anne in New York, this 5th day of July, 1705.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, GERRARD BEEKMAN, RIP VAN DAM, CALEB HEATHCOTE, THO. WENHAM, } Esq^rs

ROGER MOMPESSON, JOHN BARBERIE, ADOLPH PHILIPS, } Esq^rs

His Ex^cy acquainted this board y^t he had rece^d from ye H^s of Representatives sev^ll Bills which they had past to wch they desire ye Concurrence of this Board.

The Bill Entituled, An Act for ye better explaining and more Effectuall putting in Execution An Act of Gen^ll assembly entituled, An Act for settling a ministry & Raising a maintenance for them in ye Citty's of N York, Countys of Richmond, West Chester & Queens County was read ye 1st time and ordered a second Reading.

The Bill Entituled, An Act for Enforcing and Continuing the Act for Encouraging a *Post Office* in this Province of N. York for three years from ye month of October wch was in ye year 1704, was also read the first time & ordered to be read a second time.

The Bill Entituled, An Act to prevent ye Running away of negro slaves out of ye City & County of Albany to ye French at Canada was also read the 1st time & ord^d a 2^d Reading.

And also a Bill Entituled, An Act to Enable ye Justices of ye peace for ye City & County of Albany to raise ye sum of £100 for ye Repairing or Rebuilding of a Comōn Goal & City & County Hall over & above the sum of £400 they were enabled to Raise by An Act of Gen^ll assembly made in ye 2^d year of her Ma^ty^s Reign Entituled, An Act to Enable ye Justices of ye peace for ye City & County of Albany to Repair or Rebuild a Comōn Gaol City & County Hall for ye s^d City & County & to pay ye arrears of their public Charge was also Read ye 1st time and ordered a second Reading.

His Ex^cy acquainted this Board y^t he had Received a Message from ye H^s of Representatives acquainting him That ye House had past a Bill Entituled, An Act for ye Levying & Collecting ye sum of seventeen hundred pounds for ye defence of ye Frontiers wch was read ye first time & ordered a second Reading

Ordered, That ye Attorney Gen^ll be directed to prepare a Bill to prohibit the Exportaōn of all manner of Corn in Grain out of this Colony

And also another Bill for ye preserving & encouraging ye Trade & navigaōn of this Province by laying an Additional Duty on all European Commodities y^t shall be Imported into this Colony but not directly from England.

Ordered, That a Warr^t Issue to ye Attorney Gen^ll to prepar Letters Patents to ye Rector & Inhabitants of ye City of N. York in Comunion of ye Church of Engl^d as by Law Established, for ye parcel of Land Commonly known & called by ye name of the Queens Farm, & also for y^t lot of Ground lying & being in ye City of N. York, near to Trinity Church commonly called & known by ye name of ye Queens Garden.

Trinity Church.

At a Council held at Fort Anne in New York this 6th day of July, 1705.

PRESENT— *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, GERARD BEEKMAN, RIP VAN DAM, } Esq^rs

CALEB HEATHCOTE, THO. WENHAM, ADOLPH PHILIPS, } Esq^rs

The Bill Entituled, An Act for Levying & Collecting ye sum of £1700 &c was Read ye 2^d Time & Committed to ye Gent. of ye Council or any 3 of them

The Bill Entituled, An Act for ye better Explaining & more Effectual putting in Execution An Act of Gen^ll Assembly entituled, An Act for settling a Ministry &c was also read ye 2^d Time & Cōmitted to ye Gent. of ye Council or any 3 of them

The Bill Entituled, An Act for enforcing & Continuing the Act for Encouraging a *Post office* &c was also read ye 2^d time & Comitted to ye Gent. of ye Council or any 3 of them.

The Bill Entituled, An Act to Enable ye Justices of ye peace for ye City & County of Albany to raise ye sum of £100 &c was also Read ye 2^d Time & Committed to ye Gentlemen of ye Council or any three of them

The Bill Entituled, An Act to prevent ye Running away of negro slaves &c was also read ye 2^d^ Time & Comitted to ye Gent. of ye Council or any 3 of them.

Mr Attorney General (according to order) did lay before this Board a Bill Entituled, An Act for Reviving & Continuing sev^ll^ Acts of Assembly Expired by their own Limitaõn made in ye 1st & 2^d^ years of her Ma^tys^ Reign for the better settling & Regulating the Militia of this Province.

At a Council held at ffort Anne in New York this 7th day of July, 1705.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, THOMAS WINHAM, ROGER MOMPESSON, } Esq^rs^ — JOHN BARBERIE, ADOLPH PHILIPS, } Esq^rs^

Roger Mompesson Esqr Reported from ye Comittee of ye Council to whom ye Bill Entituled, An Act for Levying & Collecting ye sum of £1700 &c was referred that they had gone thro ye sd Bill & made sev^ll^ amendm^ts^ thereto wch he read in his place and afterwards delivered in at ye Table where ye same were read and agreed to & ye s^d^ Bill order'd to be read ye 3^d^ time wth ye amendm^ts^

His Excell acquainted this Board y^t^ he had Received a Message from ye House of Representatives, acquainting this Board y^t^ ye House had past a Bill Entituled, An Act for defraying ye Common & necessary Charge in ye mannor of Renslaerwick in ye County of Albany, to wch they desire ye concurrence of this Board and the said Bill was read the first time and ordered a second reading

Mr Attorney General (according to order) presented to this Board An Act for Encouraging & preserving ye Trade & Navigation of this Province by laying an additional Duty on all European Commodities wch shall be Imported from any other place than directly from England wch was read ye first time & ordered a 2^d^ Reading.

Mr Attorney General did also (according to order) present to this Board a Bill Entituled, An Act to prohibit ye Exportation of all wheat & other corn in Grain out of this Province which was read ye first time & ordered a 2^d^ Reading.

Roger Mompesson Esqr Ch Justice Reported from ye Comittee to whom ye Bill Entituled, An Act to prevent ye Running away of Negro slaves &c That they had gone thro ye s^d^ Bill & made an amendm^t^ to ye same wch was read & aggreed to by ye Board &

Ordered, that ye s^d^ Bill wth ye amendm^ts^ be read ye 3^d^ Time.

He also Reported That ye said Cõmittee had gone thro' the Bill Entituled, An Act to Enable ye Justices of ye peace for ye City & County of Albany to Raise ye sum of £100 &c.

At a Council held at Fort Anne in New York, this 10th day of July, 1705.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, RIP VAN DAM, } Esq^rs^ — THO WENHAM, ADOLPH PHILIPS, } Esq^rs^

The Bill Entituled, An Act for ye better Explaining & more effectually putting in Execution An Act of Gen^ll^ Assembly Entituled, An Act for Settling a Ministry &c was read ye Third time wth the Amendments.

Resolved, that ye said Bill with the amendments do pass.

Ordered, that Mr Philips do carry the said Bill to ye Assembly & acquaint them that this Board have agreed to ye same wth some Amendm^ts^ to wch they desire the Concurrence of this house.

The Bill Entituled, An Act to prevent ye Running away of Negro slaves &c was also Read ye 3^d^ time wth ye Amendment.

Resolved, That ye said Bill wth the amendment do pass &

Ordered, that Mr Philips do also carry back ye s^d^ Bill to ye Assembly & acquaint them y^t^ this Board have agreed to ye said Bill wth one amendm^t^ to wch they desire ye Concurrence of this House.

The Bill Entituled, An Act for enforcing & Continuing ye Act for encouraging a *Post Office* &c was likewise read ye 3^d^ time.

Resolved, The Bill do pass.

Ordered, that Mr Philips do acquaint ye house of Representatives y^t^ this Board have agreed to ye s^d^ Bill without any amendment.

The Bill Entituled, An Act to prohibit ye Exportaõn of all wheat & other corn in grain &c was read ye 2^d Time & Cõmitted to the Gentlemen of her Ma^tys Council for this Province or any three of them.

The Bill Entituled, An Act for Encouraging & preserving the Trade &c was also Cõm^ed to ye said Cõmittee.

The Bill Entituled, An Act for defraying ye comõn & necessary Charge in ye mannor of Renslaerwick in ye County of Albany was Read ye 2^d Time & Cõmitted to ye Gent of ye Council or any three of them.

At a Council held at Fort Anne in New York, this 11th *day of July*, 1705.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, RIP VAN DAM, CALEB HEATHCOTE, } Esq^rs

THO WINHAM, ADOLPH PHILIPS, } Esq^rs

Coll Wenham Reported from ye Comittee to whom ye Bill Entituled, An Act to prohibit the Exportaõn of all wheat &c was Comitted That they had gone thro ye s^d Bill & made sev^ll Amendm^ts to ye same, wch he read & being severally read at ye table were upon ye Question put agreed to.

Ordered, that ye said Bill with ye amendm^ts be Engrossed.

Coll Wenham also Reported That they had gone thro ye Bill Entituled, An Act for Reviving & Continuing of sev^ll acts.

& had made one amendm^t thereto wch he read in his place & being read at ye Table was upon ye Question agreed to.

Ordered, That ye s^d Bill with the amendm^t be Engrossed.

A Message from ye House of Representatives by Mr Whitehead acquainting this Board y^t ye House had sent a Bill Entituled, An Act for ye preservaõn of Deer to which they desire ye Concurrence of this House.

The said Bill was accordingly read ye first time & ordered a second Reading.

Coll Wenham Reported from ye Com^ee to whom ye Bill entituled, An Act for Encouraging & preserving of Trade &c y^t they had gone thro' ye s^d Bill & Reported ye same without any amendment.

Ordered, That ye said Bill be Engrossed.

Coll Wenham also Reported That ye said Comittee had gone thro' the Bill Entituled, An Act for defraying ye Comon & necessary Charge in ye mannor of Renslaerwyck in ye County of Albany, w^thout any amendment.

The said Bill was then Read ye Third time & past.

Ordered, That Coll Heathcote do carry ye s^d Bill to ye House of Representatives & acquaint them y^t this Board have agreed to ye same wth out any amendment.

A Message from ye House by Mr Hen Renslaer acquainting this Board y^t ye House have agreed to ye amendm^ts made by the Council to ye Bill Entituled, An Act to prevent ye Running away of negro slaves out of ye City & County of Albany to ye French at Canada.

The Bill Entituled, An Act for ye Levying & Collecting the sum of £1700 &c was read ye 3^d time wth ye amendments.

Resolved, That ye s^d Bill wth ye amendm^ts do pass.

Ordered, that Coll Heathcote do carry ye s^d Bill to ye House of Representatives & acquaint them y^t this Board have agree to ye same wth some amendm^ts to wch they desire ye Concurrence of this House.

At a Council held at Fort Anne in New York, July ye 12th, 1705.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, GERARD BEEKMAN, RIP VAN DAM, CALEB HEATHCOTE, } Esq^rs

THO. WENHAM, ROGER MOMPESSON, ADOLPH PHILIPS, } Esq^rs

The Bill Entituled, An Act to Prohibit ye Exportaõn of all Wheat &c was read ye 3^d Time.

Resolved, The Bill do pass.

Ordered, that Coll Wenham do Carry ye s^d Bill to ye House of Representatives & acquaint them y^t this House have past ye same & desire their Concurrence thereto.

The Bill Entituled, An Act for Reviving & Continuing sev^{ll} acts of Assembly expired by their own limitaõn made in ye 1st & 2^{d} years of her Maties reign for the better settling & regulating the militia of this province was read ye 3^{d} time.

Resolved, That ye Bill do pass.

Ordered, that Coll Wenham do also Carry this Bill to ye House of Representatives & acquaint them that this House have past ye said Bill to wch they desire ye Concurrence of y^{t} Board.

The Bill Entituled, An Act for ye preservation of Deer was read the second time & ordered a 3^{d} Reading.

At A Council held at Fort Anne in New York, this 13th *day of July*, 1705.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, RIP VAN DAM, CALEB HEATHCOTE, } Esq^{rs} — THO. WENHAM, ROGER MOMPESSON, ADOLPH PHILIPS, } Esq^{rs}

The Bill Entituled, An Act for ye Encouraging & preserving of Trade &c was read ye Third Time.

Resolved, That ye said Bill do pass.

Ordered, that Coll Heathcote do carrey ye s^{d} Bill to ye House of Representatives & acquaint them that this Board have past the s^{d} Bill & desire their Concurrence thereto.

His Excell acquainted this Board That he had rece^{d} a Message from ye Assembly acquainting this Board y^{t} ye House had past a Bill Entituled, An Act for ye Raising ye sum of Two hundred pounds for ye paying of Capt John Brat & his Comp^{a} sent out last winter as Scouts to attend ye motion of the enemy and for defraying the Incidental Charges wch was read ye first time & Ordered a second Reading.

The Bill Entituled, An Act for ye Preservation of Deer being read ye 3^{d} Time was past.

At a Council held at Fort Anne in New York, this 14th *day of July*, 1705.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, CALEB HEATHCOTE, } Esq^{rs} — THO. WENHAM, ADOLPH PHILIPS, } Esq^{rs}

The Bill Entituled, An Act for raising ye sum of £200 &c was read the second time & Ordered to lye upon ye Table.

A Message from the Assembly by Mr Van Brunt & Coll Henry Beekman wth ye Bill Entituled, An Act for levying & Collecting ye sum of £1700 wch had been return'd from this Board wth amendments acquainting this Board of the Resolve of that House vizt *That it is inconvenient for this House to admit of an amendment to a money Bill.*

At a Councill held in Fort Anne in New York, this 17th *day of July*, 1705.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, RIP VAN DAM, } Esq^{rs} — THO. WENHAM, ADOLPH PHILIPS, } Esq^{rs}

A Message from ye House of Representatives by Mr Sam^{ll} Mulford acquainting this Board that ye house had past a Bill Entituled, An Act for Reviving & Continuing An Act Entituled, An Act for Regulating Slaves, to wch they did desire ye Concurrence of this Board; The said Bill was read ye first time & Ordered a 2^{d} Reading.

The Bill Entituled, An Act for Settling ye Militia was read ye 2^{d} Time & Cõmitted to ye Gent of ye Council or any three of them.

At a Council held at Fort Anne in New York, this 18th *day of July*, 1705.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

RIP VAN DAM, THO. WENHAM, } Esqrs — ROGER MOMPESSON, ADOLPH PHILIPS, } Esqrs.

His Excell acquainted this Board yt he had reced a Message from the Assembly acquainting this Board yt that House had past a Bill Entituled, An Act for an allowance to ye Burgess of ye Burrough of West Chester which was read ye first time & Ordered a 2d Reading.

That they had also past a Bill Entituled, An Act for Continuing An Act for laying out Regulating Clearing & preserving public common Highways thro' out this Colony, wch was also read ye first time & Ordered a 2d Reading.

At a Council held at Fort Anne in New York, this 19th *day of July*, 1705.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

GERARD BEEKMAN, THO. WENHAM, } Esqrs — ROGER MOMPESSON, ADOLPH PHILIPS, } Esqrs

Ordered, That ye Bill Entituled, An Act for raising ye sum of £200 &c be Comitted to ye Gent of the Council or any three of them

The Bill Entituled, An Act for an allowance to ye Burgess of ye Burrough of West Chester was read ye 2d Time, &

Ordered, to be Comitted to ye Gentlemen of the Council or any three of them.

Also ye Bill Entituled, An Act for Reviving & Continuing An Act for Regulating of Slaves was read ye 2d Time.

And also ye Bill Entituled, An Act for Continuing An Act for ye laying out &c was read the 2d Time

Ordered, That both ye said Bills be Committed to the Gentlemen of the Council or any three of them.

John Williams & Joseph Williams having obtained leave of this Board did present to ye same a Bill Entituled, An Act for ye making void a certain deed poll Executed by Jno Williams & Hope Williams of Oyster bay in Queens County by wch they conveyed certain lands within ye Township of Oyster bay to Joseph Mayo, John Mayo & Anthony Wright ye same being unduly obtained wch was read ye 1st Time.

At a Council held at Fort Anne in New York this 26th *day of July*, 1705.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

GERRARD BEEKMAN, RIP VAN DAM, THO. WINHAM, } Esqrs — ROGER MOMPESSON, JOHN BARBERIE, ADOLPH PHILIPS, } Esqrs

His Excell sent a message to ye House of Representatives by ye D Clerk of ye Council Requiring the house to attend him in Council Immediately.

Accordingly the Speaker with the House having attended his Lop he was pleased to make unto them the following speech:

Gentlemen,

The occasion of my Requiring yor attendance at this time is to acquaint you That upon a French Privateers coming upon this Coast, & even to ye very mouth of ye Harbour, the Gentlemen of her Matys Council for this Colony were of opinion wth me yt all proper ways & means were to be used to take destroy or drive away ye sd privateer from this Coast in order to ye effecting whereof I did order sevll vessels to be fitted for that service, but ye people being Generally unwilling to go upon yt service without some Incouragemt I was advised to Issue a Proclamaõn, promising a Reward of Two Thousand five hundred pcs of Eight to be divided amongst all such persons as should voluntarily engage in yt service, provided ye said privateer was taken or otherwise destroyed, ye vessels were manned wth about 350 men, were victualled for ten days, & sailed to the Hore-Kills in search of ye Privateer, but had not ye Good fortune to meet wth him, ye Revenue being so low yt it will not answer the necessary charge of the Goverm't is entirely unable to answer this necessary Charge I therefore thought it proper to

acquaint you wth it & lay before you an acco^{t} of what this Expedition has amounted unto wch I have in my hand, & I leave it to you to Consider whether it will not be reasonable y^{t} some Reward be given to ye officers & men who have been Imployed in that service

Gentlemen, I am commanded by her Most Sacred Ma^{ty} y^{r} Queen to acquaint you wth several acts of parliam^{t} lately past in England which are these

An Act to Encourage the Importing of naval stores from her Ma^{tys} plantaõns in America. This act is Chiefly contrived for ye Good of these parts of ye World; I hope ye people of this Colony will apply themselves heartily to ye promoting of y^{t} Trade as much as possible wch will be of very great advantage to them, as well as to ye Kingdom of England. The Queen is likewise pleased to Command me to Recomend to you ye passing of such acts of Assembly as may make the said act of parliam^{t} most useful & effectual. The other two acts are An Act to prohibit all Trade & Commerce wth France. And An Act to prevent all Treaterous Correspondence wth her Ma^{tys} Enemies to wch her Ma^{ty} expects punctual compliance from all her subjects.

I am further commanded by ye Queen to move this assembly to move to Raise a fund for purchasing military stores & for ye supplying other uses as ye defence of ye Province may Require; I hope you will comply with her Majesty's Expectations y^{t} ye Goverm^{t} may be in a Condition to defend itself agst any Insult of ye Enemy.

I must further acquaint you that I have lately rec^{ed} a Letter from ye R^{t} Honble ye Lords Comiss^{rs} for Trade & Plantaõns in wch they express themselves thus [We conceive no reason why ye Council should not have Right to amend all Bills sent to them by ye Assembly even those relating to money] This I hope will put an end to ye difference wch has arisen of late between this Board & ye House of Representatives, if you are desirous to have a Copy of ye whole clause you shall have it

His Excellency further acquainted this Board y^{t} since ye last sitting he had rec^{ed} two Messages from ye Assembly

One of ye s^{d} Messages was to acquaint this Board: That ye House could not agree to ye amendm^{ts} made by ye Council to ye Bill Entituled, An Act for ye better Explanaõn & more Effectual putting in Execution An Act of Gen^{ll} Assembly Entituled, An Act for settling a Ministry &c

Resolved, That this Board do not Insist upon their Amendm^{ts} to ye s^{d} Bill and

Ordered, that Mr Barberie acquaint ye House thereof.

The other Message was to acquaint this Board: Y^{t} ye House had past a Bill Entituled, An Act to Enable Will. Bradford of ye City of New York Printer to sell & Dispose of the Real Estate of John Dewsbury late of Oyster bay of Queens County within this Colony dece^{d} for ye paym^{t} of Debts.

Mr Philips Reported from ye Cõmittee to whom ye Bill Entituled, An Act for an allowance to ye Burges of ye Burrough of West Chester was Referred, That they have gone thro' ye Said Bill & made some amendm^{ts} to ye Same wch he read in his place, & the Question being put upon them sev^{lly} were agreed to.

And the said Bill being read ye Third with the Amendments was past.

Mr Philips also Reported from ye s^{d} Comittee that they had gone thro' ye Bill Entituled, An Act for ye Continuing An Act for laying out &c & made several Amendm^{ts} thereto wch he read in his place & afterwards delivered ye Same in, when they were also read & ye Question being put upon y^{m} Severally they were agreed to.

And the Said Bill with the Amendments was read ye Third Time & passed.

Ordered, That Mr Barberie do carry ye s^{d} two Bills to ye Assembly & Acquaint them That this Board has agreed to ye same with some amendments to each to which they desire ye Concurrence of this House.

The Bill Entituled, An Act for ye making void a certain Deed Poll Executed by Jno Williams &c

Ordered, That ye s^{d} Bill be Committed to ye Gentlemen of ye Council or any three of them and y^{t} ye persons concerned be served wth a Copy of ye Said Bill & be Ordered to Attend this day sennight to offer their Reasons if any they have why the Bill should not pass.

The Attorney Gen^{ll} presented unto this Board a Bill Entituled, An Act to prevent Frauds & Abuses in ye Exportation of Tar, Pitch, Rozin & Turpentine from this Province directly for England which was read ye first Time and Ordered a Second Reading.

At a Council held at Fort Anne in New York this 27th *day of July,* 1705.

PRESENT— *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

RIP VAN DAM, CALEB HEATHCOTE, THO. WENHAM, } Esqrs

ROGER MOMPESSON, JOHN BARBERIE, } Esqrs

The Bill Entituled, An Act to prevent frauds & abuses in ye Exportaõn of Tar &c was read ye Second Time & Ordered to be Committed to ye Gent of ye Council or any three of them.

His Excell acquainted this Board, yt he had recd a Message from ye Assembly acquainting him That ye House had past a Bill Entituled, An Act to Enable Will. Bradford of ye City of New York Printer to Sell & dispose of ye Real Estate of John Dewsbury late of Oyster bay in Queens County within this Colony, Deceased for the payment of Debts to which they desire ye Concurrence of this Board the Said Bill was accordingly read ye first time & Ordered a Second Reading.

At a Council held at Fort Anne in New York, this 30th *day of July,* 1705.

PRESENT— *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

RIP VAN DAM, THO. WENHAM, ROGER MOMPESSON, } Esqrs

JOHN BARBERIE, ADOLPH PHILIPS, } Esqrs

His Excell acquainted this Board That on Saturday last he had two Messages from ye House of Assembly vizt

One by Capt Stillwel to acquaint this Board yt ye House did agree to ye amendmts made by ye Council to ye Bill Entituled, An Act for Continuing An Act for laying out, Regulating Clearing & preserving public Comõn Highways thro' out this Colony.

Another by Major Willet acquainting this Board that ye House did agree to ye amendments made to ye Bill Entituled, An Act for an allowance to ye Burges of ye Burrough of Westchester.

Mr Philips Reported from ye Comittee to whom ye Bill Entituled, An Act for Settling ye militia was referred That they has gone thro ye said Bill & made sevll amendmts to ye same wch he read in his place & afterwards upon ye Question put upon each of ye sd amendmts separately they were seperately agreed to by ye Board and then ye Bill was read wth the amendmts ye 3d Time.

Resolved, That ye sd Bill wth ye amendmts pass.

Coll Wenham Reported from ye Comitte to whom ye Bill for raising ye sum of £200 &c was referred, That they had gone thro' the sd Bill & made sevll amendmts to the same which he read in his place & afterwards ye same being read seperately, & ye Question seperately put upon each they were seperately agreed to and then ye Bill with the amendmts was Read ye 3d Time.

Resolved, yt ye sd Bill wth ye amendmts do pass.

Ordered, That Mr Philips do carry up ye sd Bills to ye House & acquaint them yt this Board have agreed to ye sd Bills wth several amendments to each to wch they desire the Concurrence of this House.

The Bill Entituled, An Act for Reviving and Continuing An Act Entituled, An Act for Regulating slaves was read ye third time wth one amendment.

Resolved, That ye sd Bill wth ye amendmt do pass.

Ordered, That Mr Philips do also carry back this Bill to ye assembly & acquaint them yt this Board do agree to ye same wth one amendmt to which they desire the Concurrence of that House.

The Bill Entituled, An Act to Enable Wm Bradford of ye City of N York Printer to sell &c was read ye 2d Time.

Ordered, That ye sd Bill be Cõmed to ye Gentlemen of the Council or any three of them

The Petition of Coll Bayard & Capt Hutchins was read Praying leave to bring in a new Bill to declare ye Illegality of ye proceedings agst the said Bayard & Hutchins; which was Granted & then

The sd Bayard & Hutchins did present to ye Board a Bill Entituled, An Act declaring ye Illegality of ye proceedings agst Coll Nich Bayard & Alderman John Hutchins for pretended High Treason & for Reversing & making null & void ye sd Judgmts & all proceedings thereon which Bill was read ye first time & ordered a 2d Reading.

At a Council held at Fort Anne in New York, this 31th *day of July*, 1705.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

RIP VAN DAM, THO. WENHAM, } Esqrs — JNO BARBERIE, ADOLPH PHILIPS, } Esqrs

His Excell acquainted this Board That he had recede two Messages from the assembly vizt one by Mr Coyler acquainting this Board That the House do agree to ye 2, 4 & 7 amendments but disagree to ye 1, 3, 5, 6, 8, 9 & 10th amendments made by ye Council to ye Bill Entituled, An Act for Settling ye Militia.

The other by Mr De Lancey acquainting ye Council That ye House have agreed to ye amendmts made by this Board to the Bill Entituled, An Act for Reviving & Continuing An Act for Regulating slaves.

The Bill Entituled, An Act declaring ye Illegality of ye proceedings agst Coll Nich Bayard &c was read ye 2d Time & Comitted to ye Gentlemen of ye Council or any three of them.

At a Council held at Fort Anne in New York, this 1st *day of Augt*, 1705.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

RIP VAN DAM, THO. WENHAM, } Esqrs — JOHN BARBERIE, ADOLPH PHILIPS, } Esqrs

Mr Barberie Reported from ye Cōmittee to whom ye Bill Entituled, An Act declaring ye Illegality of ye proceedings agst Coll Nich Bayard &c was Referred; That they had gone thro' ye said Bill & made an amendment thereto wch was Read & agreed to, & then ye said Bill was read ye 3d Time.

Resolved, That ye sd Bill do pass.

Ordered, That Mr Barberie do carry ye sd Bill to ye House of Assembly & acquaint them That this Board have past ye same & desire their Concurrence thereto.

Mr Van Dam Reported from ye Comittee to whom ye Bill Entituled, An Act to Enable Wm Bradford &c was Committed That they had gone thro' ye sd Bill & do Report the same without any amendmt and then

The Said Bill was read ye 3d Time & passed

Ordered, That Mr Barberie acquaint ye Assembly That ye Council have agreed to ye Bill Entituled, An Act to Enable Wm Bradford &c wth out any amendment.

At a Council held at Fort Anne in New York, this 3d *day of Augt*, 1705.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

RIP VAN DAM, Coll WENHAM, } Esqrs — JOHN BARBERIE, ADOLPH PHILIPS, } Esqrs

A Message from the House of Assembly by Major Willet acquainting this Board yt ye House have agreed to ye Bill Entituled, An Act declaring ye Illegality of the proceedings agst Coll Nich Bayard &c without any amendment.

At a Council held in Fort Anne at New York this 4th *day of Augt*, 1705.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

RIP VAN DAM, THO. WENHAM, } Esqrs — JOHN BARBERIE, ADOLPH PHILIPS, } Esqrs

A Message to ye Assembly from his Excell by the Deputy Secry Requiring ye House to attend him in Council Immediately

The House having attended his Excell according to the Message sent them, his Excell was pleased to give his assent to & pass these following acts Ordering them to be enrolled vizt

1. An Act to Enable ye Justices of ye peace for ye City & County of Albany to Raise ye Sum of one hundred pounds for ye Repairing or Rebuilding of a Comōn goal & City & County Hall over & above ye Sum of Four hundred pounds they were Enabled to Raise by an Act of Gen^ll Assembly made in ye Second year of her Majestys Reign Entituled, An Act to Enable ye Justices of ye peace for ye City & County of Albany to Repair or Rebuild a comōn Goal City & County Hall for the said City and County & to pay the arrears of their public Charge.

2. An Act for Enforcing & Continuing ye Act for Encouraging a *Post Office* in this Province of New York for three years from ye month of Octob^r which was in the year 1704.

3. An Act to prevent ye Running away of Negro Slaves out of the City and County of Albany to ye French at Canada.

4. An Act for defraying ye common & necessary Charge of the mannor of Raenslaerwyk in the County of Albany.

5. An Act for ye preservation of Deer.

6. An Act for ye better Explaining & more Effectual putting in Execution An Act of General Assembly Entituled, An Act for Settling a Ministry and raising a maintenance for them in ye City of New York Countys of Richmond West Chester & Queens County.

7. An Act for an Allowance to ye Burges of the Burrough of West Chester.

8. An Act for Continuing An Act for the laying out, Regulating, Clearing, & preserving public common High ways thro' out this Colony.

9. An Act for Reviving & Continuing An Act Entituled, An Act for Regulating Slaves.

10. An Act to Enable William Bradford of New York Printer to sell and dispose of the Real Estate of John Dewsbury late of Oyster bay in Queens County, within this Colony Deceased for the payment of Debts.

11. An Act Declaring the Illegality of the proceedings against Coll Nicholas Bayard & Alderman John Hutchins for pretended High Treason, & for Reversing & making null & void the said Judgement and all proceedings thereon.

After which his Excell told them that there were some other Bills that had pass'd their House wch tho' the service of the Countrey did much require they should be past, he was sorrey they contain'd such clauses as he could not pass. nevertheless that ye service of ye Countrey might not be wholly neglected, but that they might have an opportunity to do what is necessary & Requisite for the same he thought fit to adjourn this assembly to ye Tenth day of 7^br next. And this Assembly is Adjourned to the said Tenth day of September next accordingly.

TENTH ASSEMBLY SECOND SESSIONS

Att a Councill held att ffort Anne in New Yorke this 26th day of Sept^r, 1705.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

RIP VAN DAM, THOMAS WENHAM, } Esq^rs

ROGER MOMPESSON, JOHN BARBERIE, } Esq^rs

A message was sent from his Ex^y by the Clk of the Councill to the house of Representatives commanding them to attend him in Councill imediatly which they accordingly did and his Ex^ly made the following speech to them vizt

Gentlemen,

The season of the year being so farr advanced I shall not trouble you at this time with any thing but what I think of absolute necessity to be provided for, that is the Defence of the ffronteers a hundred ffusileers and fifty out-scouts will be necessary for that service. I hope you will prepare such a Bill for the raising a sum sufficient to answer that Charge, as I may give my assent to it without breaking the Instructions her Most Sacred Majesty the Queen has been pleased to Honour me with. This, Gentlemen, is all I shall recommend to your consideration att this present and to which I intreat you to give all possible dispatch

I had almost forgot to put you in mind of the sea Expedition this summer. I think that ought to be discharged because severall debts have been contracted upon that account

Att a Councill held att ffort in New Yorke ye 4th day of Octo^r, 1705.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

GERARDUS BEEKMAN, CALEB HEATHCOTE, THOMAS WENHAM, KILLIAN VAN RENSLAER, } Esq^rs

ROGER MOMPESSON, JOHN BARBERIE, ADOLPH PHILLIPSE, } Esq^rs

His Ex^ly acquainted this Board that he had received from the house of Representatives a Bill Entituled, An Act for the raising a sūme sufficient to answere the Charge of ffuzileers and outscouts for ye Defence of the ffronteers which Bill they had past and desired the Concurrence of this Board.

the said Bill was accordingly read the first time

Ordered, that a message be sent to the house of Representatives to desire a free conference with them att the Coffee house to morrow morning at nine a Clock upon the subject matter of the said Bill and that Adolph Phillipse Esqr do carry the said message.

Att a Councill held att ffort Anne in New Yorke the 5th day of Oct^r, 1705.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

GERARDUS BEEKMAN, CALEB HEATHCOTE, THOMAS WENHAM, KILLIAN VAN RENSLAER, } Esq^rs

ROGER MOMPESSON, JOHN BARBERIE, ADOLPH PHILLIPSE, } Esq^rs

The Report of Roger Mompesson Esqr Chairman of ye Committee appointed for a Conference wth the house of Representatives on the Subject matter of the Bill Entituled, An Act for the raising a sūme sufficient to answer the Charge of ffuzileers and out scouts for the Defence of the ffronteers was Read.

Ordered, that the Reasons of this Board ag^t some Clauses in the s^d Bill be drawn in writing and that a Message be sent to the said house to desire a Conference with the said house att the Coffee house at four a clock this afternoon upon the Subject matter of the Last Conference and that the said Reasons be then delivered att the said Conference.

Att a Councill held att ffort Anne in New Yorke the 6th day of Oct^r, 1705.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY,

CALEB HEATHCOTE, THOMAS WENHAM, KILLIAN VAN RENSLAER, } Esq^rs

ROGER MOMPESSON, JOHN BARBERIE, } Esq^rs

The Report from the Committee of this Board appointed for a Conference wth the house of Representatives was read

Att a Councill held att ffort Anne in New Yorke this 11th day of October, 1705.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, CALEB HEATHCOTE, THOMAS WENHAM, KILLIAN VAN RENSLAER, } Esq^rs

ROGER MOMPESSON, JOHN BARBERIE, ADOLPH PHILLIPSE, } Esq^rs

His Ex^ly acquainted this Board with a message from the house of Representatives desiring a Conference.

Resolved, that this Board do agree to a Conference with the house of Representatives imediatly att the Coffee house and that Killian Van Renslaer Esqr do acquaint them therewith.

Att a Councill held att ye same place att 11 aclock the same day

PRESENT — As before, and likewise GERRARDUS BEEKMAN, Esqr,

The Report of Roger Mompesson Esqr Chairman of the Committee appointed for a Conference with the house of Representatives was Read

As was likewise the answere of the Generall Assembly to reasons offered by her Maj^{ties} Councill att a Conference on the subject matter of the Bill Entituled, An Act for the Raising a Sūme sufficient to answere the Charge of the ffuzileers and outscouts for the defence of the ffrontiers and their reasons for insisting on some clauses of the said Bill

The s^{d} Bill was read a second time & Committed.

Att a Councill held att ffort Anne in New Yorke this twelfth day of Octob^{r}, 1705.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, CALEB HEATHCOTE, THOMAS WENHAM, KILLIAN VAN RENSLAER, } Esq^{rs}

ROGER MOMPESSON, JOHN BARBERIE, ADOLPH PHILLIPSE, } Esq^{rs}

Roger Mompesson Esqr reports from the Comittee to whome the Bill Entituled An Act for the raising a Sume Sufficient to answere the Charge of ffuzileers and outscouts for the defence of the ffronteers was Comitted that they had gone through the said Bill and made Severall amendments thereto which were read & agreed to and then

The Said Bill was read a Third time.

Resolved, That the Bill with the amendments do passe

Ordered, to John Barberie Esqr do carry the Said Bill with the amendments to the house of Representatives and desire their Concurrence thereto

Att a Councill held att ffort Anne in New Yorke this 13th *day of Octob^{r}*, 1705.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, THOMAS WENHAM, KILLIAN VAN RENSLAER, } Esq^{rs}

ROGER MOMPESSON, JOHN BARBERIE, ADOLPH PHILLIPSE, } Esq^{rs}

His Ex^{ly} acquainted this Board that he intended to Prorogue the Assembly by reason the winter drew nigh and her Maj^{ties} service requiring his presence in New Jersey and the Speaker wth some members having attended according to his Ex^{lys} order and being called in his Ex^{ly} prorogued them to the first day of May next.

[IN EXECUTIVE SESSION.]

Att a Councill held att ffort Anne in New Yorke the 23^{d} *day of Aprill*, 1706.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

GERARDUS BEEKMAN, RIP VAN DAM, THOMAS WENHAM, } Esq^{rs}

JOHN BARBERIE, ADOLPH PHILPSE, } Esq^{rs}

His Excell^{ly} acquainted this Board that her Maj^{ties} service required his presence in the Province of New Jersey the first day of May next to which day the Assembly of this Province stands prorogued ; wherefore it is

Resolved, that the s^{d} Assembly be further Prorogued to Thursday the twelfth day of September next & a Proclamation was signed & ordered to be published Proroguing the said Assembly accordingly

Att a Councill held att ffort Anne in New Yorke the 14th *day of May*, 1706.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

RIP VAN DAM, THOMAS WENHAM, } Esqrs JOHN BARBARIE, Esqr

His Exly informed this Board that upon the Petition of the Mayor Aldermen and Comonalty of this City he put off his intended Journey to the Jerseys. In which Petition they likewise prayed his Exly to call the Assembly in this Exigency that speedy provision may be made for our Defence and it being the opinion of this Board that its very necessary on this urgent occasion it is thereupon ordered that a Proclamation Issue forth calling the Assembly to sitt on ffryday the twenty fourth instant.

[New York Col. MSS., LI., 135.]

BY HIS EXLY EDWD CORNBURY, &c.

A PROCLAMATION.

WHEREAS the Genll Assembly of this Province was by a Proclamation Issued by and with the advice of her Majties Councill Prorogued unto the Twelfth day of September next But the late unhappy Depredations of the ffrench upon the Islands of Nevis, St Christophers and Monseratt in the West Indies having encouraged them to carry their designes to this and other her Majties Colony's on the Continent as the late advices from St Thomas's and other parts of the West Indies give too Just reason to ffear, I have therefore that no means may be left untried for the safety and Preservation of her Majties Subjects and for the defence and security of this Colony in this Exigencie thought fitt by and with the advice of her Majties Councill for this Province to Call the sd Genll Assembly to meet att the Citty of New Yorke on ffryday the 24th day of this Instant May and I do hereby require the said Genll Assembly to meet accordingly.
14th *May* 1706

TENTH ASSEMBLY THIRD SESSIONS.

Att a Councill held att ffort Anne in New Yorke the 29th *day of May*, 1706.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, GERARDUS BEEKMAN, THO: WENHAM, } Esqrs ROGER MOMPESSON, JNO BARBARIE, AD. PHILLIPS, } Esqrs

His Exly having sent the Clerk of the Councill to Comand the assembly to attend him in the Councill Chamber and they being accordingly come his Exly made the following speech to them (vizt)

Gentlemen,

The service of her Most Sacred Matie the queen in the neighbouring Colony having obliged me to Prorogue this assembly to the month of September next, I should not have given you the trouble of meeting till that time Were I not forced to it by an indispensible necessity the Repeated advices our merchants here have Received from their Correspondents in the West Indies, of the design the ffrench have of attempting this Collony, have made me think it of absolute necessity to call you together at this time, that all proper measures may be taken for the defence of this place which as yet Lies very open naked and defenceless. There are Two things therefore which I shall Chiefly Recommend to your Care, one is the providing a ffund for the ffortifying of this Citty, the other is the providing a Fund for the Repairing this her Mäties

Fort which is Extreamly out of order, and for mounting the Guns most of the Carriages being Rotten and unservicable These two things are of absolute necessity and without which is to be feared, this place may become a prey to a powerfull Enemy who Can Design no Less than to lay it waste and destroy it, as they have done the Islands of Nevis and St Christophers, whose misfortunes I hope will be an inducement to you to make effectuall provision for the defence of this Colony and you may be sure that whatever you shall think fit to give shall be applied to the uses for which you Give it, and to no other.

Gentlemen, I must take notice to you that the last assembly did pass An Act for the Raising the sūme of £1500 Towards the Erecting Batteries att the Narrows, which would have been of very Great use at this time had that money been Collected, but it has not, I am sensible that some malicious, ill minded People have Reported, That I have taken that money into my hands that the truth therefore may be known and I Justified I Recommend it to you Gentlemen of the house of Representatives to make a strict Enquire into that Tax, I think it proper to Recommend to you the Reviving the Militia Act which Expired by its own Limitation in the year 1704 and I am the rather Induced to do it att this time, because in this time of danger if there be not some law past to keep the People to theire duty I shall be forced to put Martiall Law in practice which I am sure will fall heavier than any Act of assembly will do. I cannot conclude without putting you in mind of the necessity of making provision for outscouts this next winter to be sent from Albany. These are the things I thought proper to Recommend to you and which I hope you will provide for with all possible dispatch because I think the nature of the thing Requires it, if you can think of any thing Else that may Require the aid of An Act of assembly at this time you shall always find me Ready to do anything wch shall be proposed to me for the Queens service and the Good of the Countrey.

Att a Councill held att ffort Anne in New York, this 13th *day of June,* 1706.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, GERRARDUS BEEKMAN, RIP VAN DAM, CALEB HEATHCOTE, } Esqrs

THOMAS WENHAM, KILLIAN VAN RENSLAER, ROGER MOMPESSON, ADOLPH PHILLIPS, } Esqrs

His Excellency acquainted this Board that he Received from the house of Representatives a Bill Entituled, An Act for reviving An Act of Genll Assembly entituled, An Act for the better setling the militia of this province and making it more usefull for the security and Defence thereof for the space of one year to wch they desire the concurrence of this Board, which Bill was read the first time and ordered to be read a second time to morrow.

Att a Councill held att ffort Anne in New Yorke, this 14th *day of June,* 1706.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, CALEB HEATHCOTE, THOMAS WENHAM, } Esqrs

KILLIAN VAN RENSLAER, ROGER MOMPESSON, JOHN BARBERIE, ADOLPH PHILLIPS, } Esqrs

The Bill Entituled, An Act for reviving An Act of Genll assembly Entituled, An Act for the Better setling the militia of this Province and making it more usefull for the security and Defence thereof for the space of one year was read the second time and Committed to the Gentlemen of the Councill or any three of them.

His Exly acquainted this Board that he had received from the house of Representatives a Bill Entituled, An Act for raising a fund for scouts for the ffronteers att Albany for the year Ensuing to which they desire the Concurrence of this Board which Bill was read the first time and ordered to be read a Second time.

His Exly likewise acquainted this Board that he had received from the house of Representatives a Bill Entituled, An Act for the raising leavying and collecting the sume of three thousand pounds to be applyed towards the Charge of fortifying the Citty of New Yorke to which they desired the concurrence of this Board which Bill was read the first time and ordered to be read a second time.

Att a Councill held at ffort Anne in New Yorke, this 18th *June*, 1706.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, THOMAS WENHAM, KILLIAN VAN RENSLAER, } Esqrs
ROGER MOMPESSON, JOHN BARBERIE, } Esqrs

The Bill Entituled, An Act for raising a fund for scouts for the ffrontiers att Albany for the year Ensuing was Read a second time and Committed to the Gentlemen of the Councill or any three of them.

The Bill Entituled, An Act for the Raising Leavying and Collecting the sume of three thousand pounds to be applyed towards the Charge of ffortifying the Citty of New Yorke was Read a second time and Committed to the Gentlemen of the Councill or any three of them.

Att a Councill held att ffort Anne in New Yorke, this 20th *day of June*, 1706.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, GERRARD BEEKMAN, RIP VAN DAM, CALEB HEATHCOTE, THOMAS WENHAM, } Esqrs
KILLIAN VAN RENSLAER, ROGER MOMPESSON, JOHN BARBERIE, ADOLPH PHILLIPS, } Esqrs

His Excellency acquainted this Board that he had received a Bill from the house of Representatives Entituled, An Act to Enable the Mayor, Aldermen and Common Councill of the Citty of New Yorke to carry on the ffortifications of the said Citty to which they desired the concurrence of this Board, which Bill was read the first time and ordered to be read a second time.

Mr Phillips Reported from the Committee to whom the Bill Entituled, An Act for reviving An Act of Genll Assembly Entituled, An Act for the better setling the Militia of this Province, and making it more usefull for the security and defence thereof for the space of one year was referred that they had gone through the said Bill and made some amendments thereto which were read and agreed to and then

The said Bill was read a third time.

Resolved, that the said Bill with the amendments do pass.

Ordered, that Mr Phillips do carry the said Bill to the house of Representatives and acquaint them that this Board have passt the same and desire their concurrence thereto.

Roger Mompesson Esqr Reported from the Committee to whom the Bill Entituled, An Act for raising Leavying and Collecting the sume of Three thousand pounds to be applyed towards the charge of ffortifying the Citty of New Yorke was committed that they have gone through the said Bill without making any amendment thereto.

Ordered, that the said Bill be recommitted to the said Committee for their reasons for passing the same without making any amendment thereto.

Roger Mompesson Esqr Reported from the Committee to whom the Bill Entituled, An Act for raising a ffund for scouts for the ffrontiers att Albany for the year Ensuing was Comitted that they have gone through the said Bill without making any amendment thereto.

Ordered, that the said Bill be recommitted to the said Committee for their reasons of passing the same without making any amendment thereto.

Att a Councill held att ffort Anne in New Yorke, the 21st *day of June*, 1706.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, GERARDUS BEEKMAN, CALEB HEATHCOTE, THOMAS WENHAM, } Esqrs
ROGER MOMPESSON, JOHN BARBERIE, ADOLPH PHILLIPS, } Esqrs

His Exly acquainted this Board that he had a Message from the Assembly acquainting him they had agreed to the amendment made by this board to the Bill Entituled, An Act for reviving An Act of Generall Assembly Entituled, An Act for the better setling the Militia of this

Province and making it more usefull for the security and defence thereof for the space of one year.

Mr Mompesson Chairman of the Committee to whom the Bill Entituled, An Act for the raising leavying and Collecting the sume of Three thousand pounds to be applyed towards the Charge of ffortifying the Citty of New Yorke was recommitted for their reasons for passing the said Bill wthout any amendment, Reported from the said Committee their reasons for so doing which he read in his place & then delivered in att the table.

Ordered, that the said Bill lye on the Table.

Mr Mompesson Chairman of the Committee to whom the Bill Entituled, An Act for raising a fund for scouts for the ffronteers att Albany for the year Ensuing was recommitted for their reasons for passing the said Bill without any amendmt Reported from the said Committee their reasons for so doing which he read in his place and then delivered in att the Table.

Ordered, that the Said Bill lye on the table.

The Bill Entituled, An Act to enable the Mayor Aldermen and Common Councill of the Citty of New Yorke to carry on the ffortifications of the said Citty was read a Second time and Committed to the Gents of this Board or any three of them

Att a Councill held att ffort Anne in New Yorke this 22th *June*, 1706.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

RIP VAN DAM, THOMAS WENHAM, } Esqrs

JOHN BARBERIE, ADOLPH PHILLIPS, } Esqrs

The Bill Entituled, An Act to Enable the Mayor Aldermen and Common Councill of the Citty of New Yorke to carry on the ffortifications of the said Citty was Reported and there being now one amendment made to the said Bill.

Ordered, that Mr Barberie do carry the said Bill to the house of Representatives and acquaint them that this Board has past the said Bill wth one amendment to which this Board desires their Concurrence

Att a Councill held att ffort Anne in New Yorke this 27th *day of June*, 1706.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, RIP VAN DAM, THOMAS WENHAM, KILLIAN VAN RENSLAER, } Esqrs

ROGER MOMPESSON, JOHN BARBERIE, ADOLPH PHILLIPS, } Esqrs

His Exly informed this Board that he had received a Message from the Assembly acquainting him they have agreed to the Amendment made by this Board to the Bill Entituled, An Act to Enable the Mayor Aldermen and Common Councill of the Citty of New Yorke to carry on the ffortifications of the Said Citty.

His Exly having sent the Secretary to the house of Representatives to command their attendance in the Councill Chamber and they being accordingly come his Exly past the following Acts ordering them to be Enrolled.

1. An Act for reviving An Act of Generall Assembly Entituled, An Act for the better Setling the Militia of this Province and making it more usefull for the Security and defence thereof for the space of one year.

2 An Act to Enable the Mayor Aldermen and Common Councill of the Citty of New Yorke to carry on the ffortifications of the Said Citty.

Then his Exly informed them that by his Majties Instructions he could not pass the Two other Bills in the manner they were Drawn (vizt) one the Bill Entituled, An Act for the raising levying and Collecting the sūme of three thousand pounds to be applyd towards the Charge of ffortifying the Citty of New Yorke. The other the Bill Entituled, An Act for raising a fund for scouts for the ffrontiers att Albany for the year Ensuing. But his Exly Expecting her Majties further Commands in relation to money Bills of this nature he would not reject these Two Bills and therefore adjourned the Assembly to the Twelfth day of September next.

[In Executive Session.]

Att a Councill held att ffort Anne in New Yorke the 22th day of August, 1706.

Present — *His Excellency* Edward *Viscount* Cornbury, &c.,

Rip van Dam, Thomas Wenham, } Esqrs Roger Mompesson, John Barberie, } Esqrs

His Exly Recommended it to the Consideration of this board for their opinion to what further time it may be proper to adjourn the Assembly of this Province which stands adjourned to the 12th of September next by reason his Exly designes for Albany.

Att a Councill held att ffort Anne in New Yorke this 29th day of August, 1706.

Present — *His Excellency* Edward *Viscount* Cornbury, &c.,

Thomas Wenham, Roger Mompesson, } Esqrs John Barberie, Esqr

The Councill having delivered their opinion of the time proper to adjourn the assembly of this Province.

Ordered, that a Proclamation issue for adjourning the said assembly unto tuesday the 24th day of September next.

TENTH ASSEMBLY FOURTH SESSIONS.

Att a Councill held att ffort Anne in New Yorke, this 27th day of September, 1706.

Present — *His Excellency* Edward *Viscount* Cornbury, &c.,

Peter Schuyler, Thomas Wenham, Killian van Renslaer, } Esqrs Roger Mompesson, John Barberie, Ad. Phillips, } Esqrs

His Exly having sent the secretary to the assembly to command their attendance in the Councill Chamber and they being accordingly come his Exly made the following Speech to them (vizt)

Gentlemen,

When I dismist you at the end of the last Sessions in June last I acquainted you that tho I could not assent to the Bill you tendered to me for the raising the sume of Three thousand pounds towards the ffortifying of this Citty yet I would not reject it, hoping that I might Receive such Direccōns from England as might make that matter more Easie. I am very glad I can now acquaint you that my Expectations are answered. I have Received Letters from the Right Honourable the Lords Commissionrs for Trade and Plantacons containing her Most Gracious Majesties commands to me to permitt the Genll assembly of this Province to name their own Treasurer when they raised Extraordinary supplys for particular uses and wch are no part of her Māties standing and constant Revenue But the Treasurer so nominated must be accountable to Govr Councill and assembly. Warrants may be Issued by the Collonels Capts or other persons as the Act shall Direct, But the Governour must always be Informed of the occasion of issueing of such warrants and all persons concerned in the issueing and disposing of such moneys must be made accountable to Governour Councill and Assembly. Thus Gentlemen I have acquainted you with her Māties Pleasure relating to the passing of Bills for the raising moneys for Extraordinary supplyes.

Gentlemen,

I am commanded by the Right Honourable the Lord Commission^rs for Trade and Plantations to acquaint you that her Mãties Councill for this Province have undoubtedly as much to do In forming of Bills for ye Granting and Raising of money as the assembly and Consequently have a Right to alter or mend any such money Bills as well as the assembly. Their Lordships likewise observed that in ye Preamble of the £1700 Bill there is an Error in not Granting the money thereby Intended to be raised to the Queen which need not hinder the Assembly from appropriating the money to be Granted to such uses as are found Requisite. Their Lordships further observe that the Penalty in the last clause in the £1700 Bill is of an Extraordinary nature such as no assembly anywhere else ever attempted before, and they say it is highly Presumptuous in the Assembly to pretend to propose or pass any clause whereby her Mãtie is Restrained in her Royall Prerogatives of pardoning or Reprieving her Subjects whenever she sees it Reasonable and Convenient and they Command me to acquaint the Assembly wth these matters that the like Errors may be avoided for the ffuture. I am further to acquaint you that their Lordships are of opinion that the Province of New York ought to provide towards its own Security by Giving Such necessary ffunds (as is done in other Plantacõns) for furnishing the Inhabitants with arms as there may be occasion and this their Lordships command me Likewise to represent to you.

Thus Gentlemen I have acquainted you with those things I had in Charge from England. I shall now mention to you those things which in my opinion ought not to be provided for, and first, I Desire you to observe that by the Directions I have now Received, it is impossible for me to pass the £3000 Bill in the terms it is now conceived, and therefore I intreat you to Prepare another Bill for that Service according to the methods above meneõned. I must likewise Recommend to your Consideration the providing a ffund for the paying the Detachment sent up und^r Capt Higby's Command for the Defence of the ffrontiers in the year 1704 and the outscouts und^r the command of Capt Brat and Since that time and Likewise for defraying the Charge of Coll^o Schuylers Journey to the onondages Countrey at a time when we were in great danger of having the ffive Nations debaucht from their allegiance to the Crown of England which was prevented by his Going. this was so good a service that I hope you will think it Reasonable that Charge should be answered. I must likewise acquaint you that By accident very Lately the Guard Room in the ffort att Schonechtady was Burnt down wth a Great quantity of ffirewood which had Been Provided for this Winter now Coming on. I should be Glad that might be Repaired before the Cold weather Comes, Else it will be impossible for the men to keep Guard in that place which Lies the most Exposed of all our ffronteers, I will direct an Estimate to be laid before you for that purpose I must again recõmend to you the Providing a ffund for ye repairing and maintaing her Mãties ffort in this Citty which yet wants severall things to put it into a posture fit to Resist an Enemy, If we should be attackt which we very narrowly escaped this Summer. Whether you will not Think fitt to ffortifie the Narrows to prevent any attempt of the Like nature for the ffuture, I leave to your Consideration but in my Judgement I look upon that to be the best way to Cover this Citty from any attempt the ffrench may intend to make upon us and I chuse to mention it to you at this time the rather because Capt Redknap whom the Queen has been pleased to appoint to be her Engineer in these parts is now here and will if you desire it Give you an account of what he thinks proper to be done to answer that End.

The last thing I shall trouble you wth at this Time is the Providing a ffund for the defence of the ffronteers at and about Albany this Winter, one hundred men and ffive and twenty out scouts will, in my opinion, be sufficient to answer that service.

Thus Gentlemen I have offered to you what I think necessary to be provided for. If any other things occur to yor thoughts which may be necessary to be provided for by a Law you shall always find me ready to consent to any thing that may conduce to the service of her Most Sacred Majesty the Queen and the good and wellfare of the Countrey.

Att a Councill held att Fort Anne in New Yorke, this 14th *day of Oct^r*, 1706.

PRESENT— *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, RIP VAN DAM, THOMAS WENHAM, } Esq^rs

JOHN BARBERIE, ADOLPH PHILLIPS, } Esq^rs

His Excellency informed this Board that he has received from the Assembly a Bill Entituled, An Act for raising the sume of Three thousand pounds towards defraying the Expence of Fortifying the Citty of New Yorke to which they desire the concurrence of this Board.

Which Bill was read the first time and

Ordered to be read a second time to morrow morning.

Att a Councill held att ffort Anne in New Yorke, this 15th *day of Octob*r, 1706.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, RIP VAN DAM, THOMAS WENHAM, } Esqrs — JNO BARBERIE, ADOLPH PHILLIPS, } Esqrs

The Bill Entituled, An Act for raising the sūme of Three thousand pounds towards defraying the Expence of ffortifying the Citty of New York was read a second time and Committed to the Gentlemen of the Councill or any three of them.

Att a Councill held att Fort Anne in New Yorke, this 16th *day of October*, 1706.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, THOMAS WENHAM, KILLIAN VAN RENSALER, } Esqrs — JOHN BARBERIE, ADOLPH PHILLIPS, } Esqrs

Thomas Wenham Esqr Chairman of the Committee to whom the Bill Entituled, An Act for raising the sūme of Three Thousand pounds towards defraying the Expence of Fortifying the Citty of New Yorke was committed Reported to this Board that they have gone through the said Bill without making any amendment.

Ordered, that the said Bill be read a third Time which being accordingly done.

Resolved, the Bill do pass.

Ordered, that Adolph Phillips Esqr do acquaint the house of Representatives that this Board has gone through the said Bill without making any amendment thereto.

His Excellency acquainted this Board that he has Recēd from the Assembly a Bill Entituled, An Act to Encourage the Baptizing of Negro Indian and Mulatto Slaves for the concurrence of this Board which Bill was read ye first time and ordered a second Reading to morrow.

Att a Councill held att ffort Anne in New Yorke this 17th *day of October*, 1706.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, GERARDUS BEEKMAN, THOMAS WENHAM, } Esqrs — KILLIAN VAN RENSLAER, ROGER MOMPESSON, } Esqrs

The Bill Entituled, An Act to Encourage the Baptizing of Negro Indian and Mulatto Slaves was Read a Second time and Committed to the members of this board or any three

His Excellency informed this Board that he has Received a Bill from the Assembly Entituled, An Act for raising a Fund for the Defence of the Frontiers and other uses to wch they desire the Concurrence of this Board

Which Bill was read the first time and ordered to be read a Second time to morrow morning.

Att a Councill held att ffort Anne in New Yorke this 18th *day of October*, 1706.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, RIP VAN DAM, THO: WENHAM, } Esqrs — KILLIAN VAN RENSSALER, ROGER MOMPESSON, JOHN BARBERIE, } Esqrs

John Barberie Esqr Chairman of the Committee to whom the Bill Entituled, An Act to Encourage the Baptizing of Negro Indian & Mulatto Slaves was Committed Reports that they have gone through the Said Bill and made one amendment thereto which he read in his place and afterwards delivered in at the table where the same was read and agreed to by the Board

Resolved, the Bill wth the amendment do pass.

Ordered, that Mr Barberie do carry the said Bill to the house and acquaint them that this Board has past the Same wth one amendment to which this Board desires their Concurrence.

The Bill Entituled, An Act for raising a Fund for the Defence of the Frontiers and other uses was read a Second time and Committed

His Excellency acquainted this Board that he has Received from the house of Representatives two Bills one Entituled, An Act to furnish the Town Guards att Schonectady in the County of Albany with firewood, and to repair the Guard house and gates of that Town. The other Entituled, An Act for the better raising Levying and defraying the necessary charge of the mannor of Renslaerwick in the County of Albany which Bills were read the first time and ordered to be read a Second time.

Mr Schuyler and Mr Chuyler two of the members of the house of Representatives brought from the said house and delivered to this Board for their Concurrence Two Bills one Entituled, a Bill to Enable the Mayor Recorder Aldermen and Commonalty of the Citty of Albany for the time being to raise moneys for defraying their publick and necessary Charges annually

The other Entituled, An Act for regulating the Inner ffences of Land in the County of Albany which Bills were read the first time and Ordered to be read a Second time

Att a Councill held att ffort Anne in New Yorke this 19th *day of October,* 1706.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, RIP VAN DAM, THO. WENHAM, } Esqrs

KILLIAN VAN RENSLAER, ROGER MOMPESSON, ADOLPH PHILLIPS, } Esqrs

His Excellency acquainted this Board that Mr Ward has brought from the house of Representatives ye Bill Entituled, An Act to Encourage the Baptizing of Negro Indian and Mulatto Slaves and acquainted him that the said house do not insist upon the said clause and that they have agreed to the amendment

Roger Mompesson Esqr Chairman of the Committee to whom the Bill Entituled, An Act for raising a Fund for the Defence of the Frontiers and other uses was Committed Reports to this Board that they have gone through the said Bill without making any amendment.

Ordered, that the said Bill be read a third time which being accordingly done,

Resolved, the Bill do pass.

The Bill Entituled, An Act to furnish the Towne Guards att Schonectady in the County of Albany with firewood & to repair the guard house and gates of that Towne, was read a second time and Committed to the Gentlemen of the Councill or any three of them.

The Bill Entituled, An Act for the better raising Levying and defraying the necessary charge of the Mannor of Renslaerwick in the County of Albany was read a second time and Committed to the Gentlemen of the Councill or any three of them.

The Bill Entituled, An Act for regulating the Inner fences of Land in the County of Albany was read a second time and Committed to the Gentlemen of the Councill or any three of them.

The Bill Entituled, a Bill to Enable the Mayor Recorder Aldermen and Commonalty of the Citty of Albany for the time being to raise money for defraying their publick and necessary charges annually was read a second time and Committed to the Gentlemen of the Councill or any three of them.

Att a Councill held att Fort Anne in New Yorke, this 21th *day of October,* 1706.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, RIP VAN DAM, THOMAS WENHAM, KILLIAN VAN RENSLAER, } Esqrs

ROGER MOMPESSON, JOHN BARBERIE, ADOLPH PHILLIPS, } Esqrs

Peter Schuyler Esqr Chairman of the Committee to whom the Bill Entituled, An Act for the Better raising Levying and defraying the necessary Charge of the Mannor of Renslaerwick in the County of Albany was Committed reported to this Board that they have gone through the said Bill without making any amendmt.

Ordered, that the said Bill be read a third time which being accordingly done,

Resolved, the Bill do pass.

Peter Schuyler Esqr Chairman of the Committee to whom the Bill Entituled, A Bill to Enable the Mayor Recorder Aldermen and Commonalty of the Citty of Albany for the time being to raise moneys for defraying the publick and necessary Charges annually was Committed Reported to this Board that they have gone through the said Bill without making any amendment thereto.

Ordered, that the said Bill be read a third time, which being accordingly done,

Resolved, the Bill do pass.

Peter Schuyler Esqr Chairman of the Committee to whom the Bill Entituled, An Act to furnish the Town Guards at Schonectady in the County of Albany with firewood and to repair the Guard House and Gates of that Towne was Committed Reported to this Board that they have gone through the said Bill without making any amendment thereto.

Ordered, that the said Bill be read a third time, which being accordingly done,

Resolved, the Bill do pass.

Peter Schuyler Esqr Chairman of the Committee to whom the Bill Entituled, An Act for Regulating the Inner Fences of Land in the County of Albany was Committed Reported to this Board that they have gone through the said Bill w^th^out making any amendment thereto.

Ordered, that the Bill be read a third time, which being accordingly done,

Resolved, the Bill do pass.

Ordered, that Adolph Phillips do acquaint the house of Representatives that this Board has past without any amendment the four afore mentioned Bills as likewise a Bill Entituled, An Act for raising a fund for the defence of the Frontiers and other uses.

There not being members enough in Town to make a house of Representatives the Clk of that house being called in his Exly adjourned them till four a Clock this afternoon

His Exly having asked the opinion of the Gentlemen of this Board what may be the properest season for the next sessions of Assembly they declared their opinions according that May would be a very proper time.

His Excellency having sent the Secretary to the house of Representatives to command their attendance in the Councill Chamber and they being accordingly come his Exly past these following acts ordering them to be enrolled.

1. An Act for raising the sume of Three thousand pounds towards defraying the Expence of ffortifying the Citty of New York.

2. An Act to Encourage the Baptizing of Negro Indian and Mulatto Slaves.

3. An Act for raising a Fund for the defence of the Frontiers and other uses.

4. An Act to furnish the Town Guards att Schonectady in the County of Albany with firewood and to repair the guard house and gates of that Town.

5. An Act for the better raising Levying and defraying the necessary charge of the mannor of Renslaerwick in the County of Albany.

6. A Bill to Enable the Mayor Recorder Aldermen and Commonalty of the Citty of Albany for the time being to raise moneys for defraying their publick and necessary charges annually.

7. An Act for regulating the Inner Fences of Land in the County of Albany.

Then his Exly told the Assembly that the buisness of this sessions being brought to a conclusion he thought fitt to adjourn them unto the twentieth day of May next and the Assembly is hereby adjourned unto the twentieth day of May next accordingly.

[In Executive Session.]

Att a Councill held att Fort Anne in New Yorke this 9th day of July, 1708.

Present — *His Excellency* Edward *Viscount* Cornbury, &c.,

Rip van Dam, John Barberie, } Esq^rs — Adolph Phillips, Esqr

Ordered, That Writts issue for the Election of a new Assembly to sitt att New Yorke Wednesday the 18th day of August next and the Writts to bear Date this Day, and a Proclamation to issue to Dissolve this Assembly

ELEVENTH ASSEMBLY FIRST SESSIONS.

Att a Councill held att Fort Anne in New Yorke this 19th *day of Augt*, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

GERARDUS BEECKMAN, RIP VAN DAM, THOMAS WENHAM, } Esqrs

ROGER MOMPESSON, JOHN BARBERIE, ADOLPH PHILLIPS, } Esqrs

The Secry having summoned the Assembly to appear before his Exly in Councill they attended accordingly and his Exly recommended to them to go to their house and make Choice of a Speaker to be prsented to his Exly to morrow att Eleven Clock

Att a Councill held att Fort Anne in New Yorke this 20th *day of August*, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

GERARDUS BEECKMAN, RIP VAN DAM, THOMAS WENHAM, } Esqrs

ROGER MOMPESSON, JOHN BARBERIE, ADOLPH PHILLIPS.

The Secry having summoned the Assembly to appear they came accordingly & presented Mr Nicoll their Speaker whom his Exly approved and all the members then present took the oaths & signed the Test and took and subscribed the abjuration oath

Mr Speaker desired the Priveledges of the house may be continued to them which his Exly Told them should be preserved to them accordingly then his Excellency made the following speech to them

Gentlemen,

I Am glad to see so full an Appearance so early, especially at this Time, when the Country stands in the greatest Need of your Assistance.

The chief Things I have to recommend to the Consideration of you, Gentlemen, of the House of Representatives, at this Time, are these. *First*, I am in Duty to the Queen, obliged to put you in Mind, that her Majesty's Revenue in this Province, expires in May next: I don't doubt, but you will always take Care to provide for the Support of the Government. The Militia Act is already expired: I think it is absolutely necessary, to revive that Act, else it will be difficult to bring some People to do their Duty, in Case the Enemy should attempt any Thing against this Province.

In the Year 1703, Capt. Higby was sent up to Albany, with a Detachment for the Defence of the Frontiers, at a Time, when if that Care had not been taken, most, if not all the Out-Farms had broke up and retired into the Town. There was a Contract made with Mr. Hendrick Hansen, for subsisting those Men; he performed his Part; it is reasonable he should be paid; the Revenue is not able to bear it, and I hope, you will not leave that Burthen upon me.

In the Year 1705, the French Privateers so infested this Coast, that the Gentlemen of her Majesty's Council, were of Opinion with me, that some Vessels ought to be fitted out, to endeavour to take the Privateer, who had done the Mischief, and accordingly a Ship, a Brigantine and two Sloops, were fitted out, under the Command of Col. Peartree; several of the Merchants of this City, furnished Provisions and other Necessaries for that Expedition, who are not yet paid, and since the Safety of the Country and the Preservation of the Trade of this Province, were the only Causes of that Expence, I hope this Assembly, will think fit to raise a Fund to discharge that Debt.

The next Thing, which I most earnestly recommend, to the most serious Thoughts of you, Gentlemen, of the House of Representatives, is the Case of the Indians of the five Nations. The first Year I came into this Province, I gave the five Nations a large Present; since that Time, having received nothing from England for that Purpose, I have not been able to make them any Presents, and still expecting Presents from England for them, I avoided troubling the Assembly on this Subject; but now being well assured, that unless some Presents are given this Fall, we are in manifest Danger of losing some, if not all those five Nations, by the unwearied Endeavours of the French, who are continually making them Presents, and using of other

Endeavours to debauch them from us. I thought it an indispensable Duty upon me, to lay this before you, as a Thing of the greatest Consequence; I need not tell you, what unhappy Circumstances this and the neighbouring Provinces will labour under, if one of those five Nations of Indians, should leave the Interest of England and turn to the French; you are very good Judges of that Matter, therefore, I shall not enlarge further upon this Subject, only desire you will provide such a Sum, as you think proper to be laid out in Presents, for the five Nations, and the Schackock Indians.

I can't omit putting you in Mind, that the Act for encouraging a Post Office is expired; that is of so general Advantage, that I hope you will revive it.

I must observe to you, that in the Act for clearing and preserving publick common Highways, there is no Penalty upon the Overseers of the Highways, if they don't see them made according to the Directions of the Commissioners. I think an Act for that Purpose would be of good Use, and without it, I am afraid the Highways will never be laid out and made, as it was intended by the Act of Assembly they should.

These are the Things, I thought proper to recommend to your Consideration at this Time; if there is any Thing else, which you think ought to be provided for by a Law, you shall always find me ready to consent to any Thing, which may be for the Service of the Queen and the Good of the Country.

I think it proper to acquaint you, that Col. Redknap, her Majesty's Engineer, has been up at Albany with me, and has viewed the Frontiers; he has given me a Memorial of what he thinks absolutely necessary to be provided for at present, which Memorial, shall be laid before you for your Consideration.

There is one Thing I had almost forgot to mention, which is the Condition of a poor Soldier of this Garrison, whose name is Richard Davis; who lost his Arm on board the Triton's Prize; he has a Family of Children, and nothing to maintain them but his Pay; when he had his Limbs, he got something by his Work, but now he is not able to Work; if the Country would settle something upon him, it would be a very good Encouragement, to other People to venture their Lives and Limbs, in the Service of the Country, as often as Occasion should require.

I have nothing more to add at present, but to recommend to you Unanimity in your Proceedings, and Dispatch of such Matters before you, as you shall think fit to proceed upon.

Att a Councill held att Fort Anne in New Yorke this 24th *day of Augt*, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, GERARDUS BEECKMAN, THOMAS WENHAM, KILLIAN VAN RENSLAER, } Esqrs

ROGER MOMPESSON, JOHN BARBERIE, ADOLPH PHILLIPS, } Esqrs

Examination of the Custome house Officers

Ordered, that the following Examination of the Custome house officers be Entered in the minutes of this Board and that Mr Fauconnier have Copys thereof which deposicōns follow & were taken at the request of Mr ffauconnier on Mr Byerley's refusing to make out the Complts sent by him to my Lord Treasurer agt Mr Fauconnier

MY LORD,

Q. Do you know att the day his Exly gave his order to Mr Fauconnier to deliver the Custome house to Mr Byerley that it was delivered to him or when it was delivered to him?

A. Mr Carter on oath. I heard some discourse among the Custome house officers that Mr Fauconnier was att the Custome house to deliver it to Mr Byerley But Mr Byerley being not there, the Custome house was Lockt & the key Carryed away but by whom he knows not.

Mr Davis on oath. The key of the Custome house was in my Custody both then and before I was there a Saturday with Mr Fauconnier to deliver the Custome house att Two a clock, but Mr Byerley not coming I Lockt the door and took the key in my pocket & kept it till Monday when I opened the door again; then I beleive the Custome house was delivered to Mr Byerley.

What do yo know of Mr Byerleys being att the Custome house the 1st of February and what did he say?

Mr Davis on oath. Mr Byerley told me that day he had an order for the Custome house and must have it that day.

Mr Sell on oath. Mr Byerley of a Saturday, but I don't remember the day of the month, came in his Chase to the Custome house and read his Exlys order for the delivery of the Custome house to him and sd that he must have it that day.

What do you know of any Books delivered or detained by Mr Fauconnier?

Mr Carter on oath. I came to the Custome house on Monday and found Mr Byerly and Mr Fauconnier talking about some Books but what Books were delivered I know not.

Mr Davis on oath. I heard Mr ffauconnier & Mr Byerley in the Custome house discoursing about some Books, that Mr Fauconnier said he would not deliver the Books without a receipt, that Just as I was going away I see Mr Fauconnier put them in his drawer and Lock it again and then went away.

Mr Chambers and Mr ffeilding answer to the same effect that Mr Davis says.

Att a Councill held att Fort Anne in New Yorke this 26th day of Augt, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, GERARDUS BEECKMAN, RIP VAN DAM, } Esqrs — KILLIAN VAN RENSLAER, JOHN BARBERIE, } Esqrs

A Message from the Assembly by Colo Cortlandt & Mr Hansen that the house of Representatives Desired his Lordship that an accot may be laid before them what the presents (proposed by his Exly in his speech to them) are to consist of.

His Exly told them he would ordr an accot thereof to be Laid before them to morrow.

Att a Councill held att Fort Anne in New Yorke, this 27th day of Augt, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, GERARDUS BEECKMAN, THOs WENHAM, } Esqrs — KILLIAN VAN RENSLAER, JOHN BARBERIE, } Esqrs

His Exly having sent to Command the Attendance of the Assembly & they being come accordingly he made the following speech to them vizt

Gentlemen,

On Thursday last, I received a Message from the House, by Mr. Hansen and Col. Cortlandt, by which the House signified their Desire, that an Account might be laid before them, what the Presents to the five Nations were to consist of. I would have sent you an Answer immediately, but I was not willing to trust to my own Judgment, in a matter of that Moment, but was willing to be informed by those, who understood those People better than I can pretend to do, and by the best Account I can have, the following List is what seems proper and necessary for the said Presents to each Nation.

50 Yards of Duffles, at 6s.	£. 16	17	6
One Piece of Strouds,	15	0	0
One Piece of Blankets,	13	10	0
One Barrel of Powder,	12	10	0
One Hundred weight of Lead,	8	0	0
50 Shirts,	15	0	0
10 Rolls of Tobacco and Pipes,	4	10	0
Rum, 40 Gallons and the Keggs,	8	10	0
Bread,	3	0	0
For small Things and Charges,	3	2	6
	£. 100	0	0

So that the Presents to one Nation, amounting to One Hundred Pounds, the whole to the five Nations and the Schackock Indians, will amount to Six Hundred Pounds. I would not have given you the Trouble of coming hither, for this Answer to your Message, were it not that I have received a Remonstrance from the Magistrates, &c. of Albany, which I think absolutely necessary to be communicated to you.

I have likewise had some Memorandums sent me by some of the Inhabitants there, particularly, I am informed, that after the Six Hundred Pounds, directed to be levied by an Act, entitled, An Act for raising a Fund for the Defence of the Frontiers and other Uses, was expended, that not being sufficient for the Services to be performed, some of the Commissioners for Indian Affairs, and other Persons, did advance the farther Sum of Two Hundred Pounds, Six Shillings and Two-pence Farthing for the like Services. I think it my Duty to recommend to you, the raising a Sum sufficient to reimburse those Persons, who have so freely advanced their Money, for the Service of the Publick.

The next Thing I am earnestly pressed to recommend to you, is the raising a Fund for maintaining 150 Men, with their proper Officers, for the Year ensuing; I am afraid if some such Provision is not made, all the Out-Farms will break up.

I am likewise desired to recommend to your Considerations, the providing a Fund for Out-Scouts, Spies, and other incidental Charges at the Frontiers. Very frequently Indians are sent of Messages from the Sachems, to the Commissioners for Indian Affairs; these Messages always create some Charges more or less, and there is no Fund to support that, or the like Charges.

I cannot conclude, without recommending to your Consideration, the Case of Col. Schuyler, who by being very well known to all the Indians, is put to great Charges by their coming to his House, which they use as freely as if it were their own. I should be very glad if the Assembly would think fit, to make him some Allowance for those Charges: This, Gentlemen, is all I have to trouble you with at this Time.

*Att a Councill held att Fort Anne in New Yorke, this 3 Septem*r, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, GERARDUS BEECKMAN, RIP VAN DAM, THOMAS WENHAM, } Esqrs

ROGER MOMPESSON, JOHN BARBERIE, ADOLPH PHILLIPS, } Esqrs

His Exly acquainted this Board he has this morning Received from the Assembly two Bills to which they Desire the Concurrence of this Board vizt one Intituled, An Act for Reviving An Act of Genll Assembly Entituled, An Act for the Better Settling the Militia of this Province and making it more usefull for the security & Defence thereof.

Which Bill was read the first time & ordered to be read a second time.

One other Bill Entituled, An Act for the Encouragement of the *Post Office* within this Province.

Which Bill was read a first time & ordered to be read a second time.

The Petition of John Stevens read and ordered to lye on this Board.

Mr Fauconnier appearing according to order with his accot of the Revenue from the 25th of December 1706 to the First February 170⅞ and the Deputy Auditor delivering his objections to the said account to this Board, he desired Mr Fauconnier to sign the accot he gave him of the Revenue for the aforesaid time to which Mr Fauconnier said, he would sign it if it was the opinion of this Board he ought.

His Exly having askt the Deputy Auditor if he had any other objections to make to Mr Fauconniers accots; he answered he had this objection to make, that Mr Fauconnier has not charged in his Last accot any sallary to the Auditor Genll; to which Mr Fauconnier replys, that the Deputy Auditor did (so farr as he can rēmber) in the Latter end of the year 1706 informe him that Mr Blathwayt had made and alteration of his sallary from £5 ℔ cent to £150 sterling per ann att the Exchange of £30 ℔ cent, which he says is the reason he has accounted with the Queen for what he did designe to pay the Auditor Genll for his ffee of £5 ℔ cent, and that he made no other Provision to pay it on any other foot than that £150 sterl ℔ Ann as aforesaid; that he humbly conceives a Letter dated in Aprill 1707 could not effect his accots, he being superceeded before.

As to that parte of Mr Byerley's Letter of complaint to my Lord high Treasurer against him relating to his nonpayment of Sallarys: Mr Fauconnier produced & read att this Board an accot of moneys recēd and sallary's paid by Mr Byerley before his suspension and by himself afterward's when he was in office, whereby he makes it appear that both in Proportion of time and money recēd, he has paid more sallary than Mr Byerley; whereon he desires the opinion of this Board.

Mr Fauconnier Informed this Board that he has offered to deliver the Recognisances in his hands to Mr Byerley provided he will secure to him the payment of the Ballance of his accounts which he has prov'd by a copy of a Lettr from Collo Quary to Mr Byerly attested by Collo Quary & desired likewise the opinion of this Board concerning his detaining the Recognizances, considering there is a great Ballance due to him on his accots.

It is the opinion of this Board the mattrs aforesd be reduced to proper heads whereon this Board may the better give their opinion.

Att a Councill held att Fort Anne in New Yorke, this 7th day of Septemb^r, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, GERARDUS BEECKMAN, RIP VAN DAM, THOMAS WENHAM, Esq^rs

KILLIAN VAN RENSLAER, ROGER MOMPESSON, JOHN BARBERIE, ADOLPH PHILLIPS, Esq^rs

The Bill Entituled, An Act for the Reviving An Act of Gen^ll Assembly Entituled, An Act for the Better Settling the Militia of this Province and making it more usefull for the security and Defence thereof was read a second time & committed to the Gentl of this Board or any three of them.

The Bill Entituled, An Act for the Encouragem^t of the *Post Office* within this Province was read a second time & committed to the Gentl of this Board or any three of them.

His Ex^ly acquainted this Board that he had Two Messages from the house of Representatives this morning wth two Bills to which they Desire the concurrence of this Board vizt

One Entituled, An Act for the more effectuall preservation of Deer & other Game & the destruction of wolves, wild catts & other vermin wch was read the first time & ord^ed to be read a 2^d time.

The other Entituled, An Act to prevent damages by swine in the County of West Chester, Queens County & the County of Richmond which was read the first time & ordered to be read a second time.

Att a Councill held att Fort Anne in New Yorke, this 9th day of Septemb^r, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, RIP VAN DAM, THO^s WENHAM, Esq^rs

ROGER MOMPESSON, JOHN BARBERIE, ADOLPH PHILLIPS, Esq^rs

An Act to prevent Damages by Swine in the County of West Chester &c Read a second time & Committed to the Gent^l of this Board or any five of them.

An Act for the more effectuall preservation of Deer and other Game and the Destruction of wolves wild catts & other vermin read a second time & Committed to the Gent^l of this Board or any Three of them.

Att a Councill held att Fort Anne in New York, this 10th of Septemb^r, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, RIP VAN DAM, THOMAS WENHAM, Esq^rs

ROGER MOMPESSON, JOHN BARBERIE, ADOLPH PHILLIPS, Esq^rs

His Ex^ly acquainted this Board that this morning he rece^d a Bill from the house of Representatives Entituled, An Act for suppressing of Immorality to which they desire the concurrence of this Board.

Which was read the first time and ordered to be read a second time.

Adolph Phillips Esqr Chairman of the Committee to whom the Bill Entituled, An Act for the Encouragement of the Post house within this Province was committed Reported from the said Committee that they have gone through the said Bill and made some amendments thereto which he read in his place and afterwards delivered in att the Table where the same were read and agreed to and ordered to be read the Third time with the amendments and being read was past with the amendm^ts.

Ordered, that Mr Phillips do carry the said Bill with the amendments to the house of Representatives and acquaint them that this Board have agreed to the said Bill with some amendments to which they desire the concurrence of that house.

Rip van Dam Esqr Chairman of the Cōmittee to whom the Bill Entituled, An Act for the more Effectuall preservation of Deer and other Game and the destruction of wolves wild Catts & other vermin was Committed Reported from the said Committee that they have gone through the said Bill without any amendment.

Which Bill was read a Third time and ordered to pass.

Ordered, that Mr van Dam do acquaint the house of Representatives that this Board have agreed to the said Bill without any amendment.

Roger Mompesson Esqr Chairman of the Committee to whom was Committed the Bill Entituled, An Act for Reviving An Act of Genll Assembly Entituled, An Act for the better Settling the Militia of this Province and making it more usefull for the security and defence thereof Reported from the said Committee that they have gone through the said Bill without any amendment.

But it being moved that the foll amendment should be made to the Bill it past in affirmative (vizt foll 1st line 8 after the word [eight] & Before the word [and] insert these words [and till the end of the next Session of Genll Assembly which Bill with the amendment was read a Third time & past.

Ordered, that Mr Mompesson do carry the said Bill with the amendment to the house of Representatives and acquaint them that this Board have agreed to the said Bill with one amendment to which they desire the Concurrence of the said house.

Roger Mompesson Esqr Chairman of the Committee to whom the Bill Entituled, An Act to prevent damages by Swine in the County of West Chester Queens County and the County of Richmond was committed Reported from the Said Committee that they have gone through the Said Bill without any Amendment which Bill was read a Third time & past.

Ordered, that Mr Mompesson do acquaint the house of Representatives that this Board have agreed to the Said Bill without any amendment.

Att a Councill held at Fort Anne in New Yorke this 11th *day of Septembr*, 1708.

PRESENT— *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, GERRADUS BEECKMAN, RIP VAN DAM, THOMAS WENHAM, } Esqrs

ROGER MOMPESSON, JOHN BARBERIE, ADOLPH PHILLIPS, } Esqrs

The Bill Entituled, An Act for Suppressing of immorality was read a second time & Committed to the Gent of this Board or any five of them

His Exly acquainted this Board that Mr Byerley has committed severall breaches of trust in respect to his office of Collr & Receivr Genll of this Province vizt he has past in his accots of the revenue Ending the 29th Septembr 1703 the sume of four pounds Thirteen shillings and nine pence half penny for his sallary more than was really due, that he received of Mr Sheppard the Sume of Twenty five pounds for rent for which he gave the Queen no creditt that he recēd of John Cuyler Twenty Seaven Pounds for Quitt rents of the Citty & County of Albany for which he gave the Queen no creditt to prove the first his Exly produced Mr Byerleys own accos; to prove the Second an affidts of Mr Sheppard of the payment of the money, to prove the third the accot of John Cuyler & Mr Byerleys own accots of Quitt rents whereby it appears that no creditt was given by Mr Byerley

His Exly askt the Gents of this Board if they had thought of any method to oblige Mr Byerley to the obedience of the orders of this board and they gave their opinions as follows:

Mr PHILLIPS.

That Mr Byerley ought to be prsent and give his reasons if any he has why he has disobeyed the orders of this Board and that the matter be Laid before my Lord High Treasurer before this Board proceeds any further.

Mr BARBERIE

That my Lord High Treasurer ought to be first acquainted with the matter before this Board does anything thereon.

Mr MOMPESSON

He cannott move for the payment of Mr van Dam and Collo Schuyler's warrants till his own Sallary warrants are paid; that since Mr Byerley has refused to obey the ordrs of this Board It ought to be represented to my Lord High Treasurer before this Board does anything therein

Mr WENHAM.

That Since the Govr & Councill have the power of disposing the Revenue and that Mr Byerley has refused to obey the orders of this Board relating thereto, the revenue ought to be put into other hands.

Mr van Dam Mr Beeckman Collo Schuyler of the Same opinion with Collo Wenham

His Ex^ly.

Her Maties Instructions being read concerning the disposall of the publick Revenue, and Mr Byerley having often disobeyed the repeated orders of this Board Concerning the payment of warrants drawn on the revenue, His Ex^ly is of opinion Mr Byerley be Suspended from the receipt of the revenue till her Māties pleasure or my Lord High Treasurers be known herein, and his Ex^ly declared that since my Lord Treasurer found fault with his former suspension, his Ex^ly would not Suspend him from his office but that 'tis his Ex^ly opinion that care ought to be taken that the receipt of the revenue be Lodged in other hands till her Māties and my Lord Treār be Informed thereof and her Mājtēis pleasure be further known; that his Ex^ly shall pay all imaginable regard to my Lord High Treār or any other Lord Treār her Mātie shall be pleased to appoint but since the Charges against Mr Byerley have so fully appeared, his Ex^ly is of opinion that it is for the interest of her Mātie to order the receipt of ye revenue into other safe hands.

The Question was put if Mr Byerley has disobeyed the orders of this Board or not?

Mr Phillips,

Has had no experience of it.

Mr Barberie,

Has had no dispute with him because he has had no warrants.

Mr Mompesson,

That it not appearing to this Board that Mr Byerley had recēd money sufficient to pay sallary warrants unpaid, that he is not guilty of any contempt or Disobedience of this Board in not allowing M^r van Dams and Coll^o Schuylers warrants.

Coll^o Wenham,

Twas the order of this Board that Mr Byerley should allow firewood warrants for customes entered by certain persons which he has refused to do, thô a Peremptory order of this Board was sent him to comply therewith; that he himself had a warrant on him preferrable to all other warrants whatsoever, which he refused to allow and that therein he had disobeyed the orders of this Board.

M^r van Dam,

of the same opinion, saving as to the warrant payable to Coll^o Wenham.

Mr Beeckman,

of the same opinion with M^r van Dam.

Coll^o Schuyler,

of the same opinion with M^r van Dam.

His Ex^ly,

That he has not only disobeyed the orders of this Board but that he has done it in the most contemptuous manner possible and that he has thereby as far as in him lay entirely destroyed & ruined the Creditt of the Government.

Ordered, That the whole matter be Entered in the minutes of Councill and that such of the members of this Board as desire Copy's thereof may have them.

The Question was put whether Mr Byerley shall be att Liberty to keep in his hands all the rum that he has lately taken into the Custome house belonging to M^r van Dam for non payment of dutys or whether he shall only Detain such a Quantity thereof as amount to the Dutys of the said Rum, and whether M^r van Dam shall be lyable to any other further charge than the dutys of the said Rum and whether M^r van Dam shall have any consideration for the dammage he may have sustained by Mr Byerleys taking and detaining the said Rum.

Mr Phillips,

That the Rum which Mr Byerley has of M^r van Dam's in his hands is lyable only to the Dutys thereof and that he ought to detain thereof in his hands only so much as may be sufficient to pay the duty, that if Mr Byerley has any further demand on M^r van Dam he has his Remedy att Law and as to the damages and charges that does not Lye properly before this Board.

Mr Barberie,

of the same opinion.

Mr Mompesson,

That it does not Lye before this Board to make any order therein.

Coll° Wenham,

That he can detain no goods but for the Customes of the same goods; as for charges and damages it does not Lye before this Board.

Mr Beeckman,

of the same opinion with Mr Phillips.

Coll° Schuyler,

of the same opinion with Mr Phillips.

His Exly,

That Mr Byerley ought to detain no merchants goods but for the dutys of those goods themselves and that he ought to detain no greater quantity thereof than may reasonably answer the same; that as to charges and dammages that may be more Properly determined in another place then this.

His Exly desired the Gents of this Board to recommend some fitt person to Receive and pay the Revenue according to the Queens Instructions and the usuall method of this Governmt till the Queens pleasure shall be further known. Mr Phillips, Mr Barberie & Mr Mompesson desired to be excused recommending any person having given their opinion that the matter ought first to be Represented to my Lord High Treär.

Coll° Wenham, Mr van Dam, Mr Beeckman and Coll° Schuyler named Coll° De Peyster now the County Treasurer to be a proper person for that purpose which his Excellency approved of

Att a Councill held att Fort Anne In New Yorke this 13th *of Septembr*, 1708.

Present — *His Excellency* Edward *Viscount* Cornbury, &c.,

Peter Schuyler, Gerardus Beeckman, Rip van Dam, Thomas Wenham, } Esqrs

Killian van Renslaer, Roger Mompesson, John Barberie, Adolph Phillips, } Esqrs

His Exly acquainted this Board that he has recēd a Message from the house of Representatives acquainting them that the said house have agreed to all the amendments made by this Board to the Bill Intituled, An Act for the Encouragement of the Post house except the Last which this Board does not insist on

Ordered, that Mr Phillips do acquaint the house of Representatives that this Board does not Insist on the said Last amendment.

That his Exly has Likewise recēd a Message from the house of Representatives that they cannot agree to the amendment made by this Board to the Bill Entituled, An Act for reviving An Act of Genll Assembly Entituled, An Act for the better settling the militia of this Province and making it more usefull for the security and defence thereof wch amendment this Board does not Insist on

Ordered, that Mr Mompesson do acquaint the house of Representatives that this Board does not insist on the said amendment.

That his Exly has Likewise Recēd a message from the house of Representatives that they have past a Bill Entituled, An Act for encouragement of Whaling to which they desire the concurrence of this Board

Which Bill was read the first time and ordered to be read a second time

The Peticōn of Peter Fauconnier Esqr was read praying his Exly and Councill to give their opinion vpon the severall heads and Particulars following, vizt.

Q As to the time it appear's that the Custom house was Delivered by said Comissioner to Thos Byerley Esqr her Maties Collr here.

To which Question the following opinion was Proposed & read, vizt.

That it appear's to us by the Evidence of severall officers of her Maties Custome house duely Sworne to declare the truth of wt they knew on the premisses, that the key's of the Custome house were constantly kept by Wm Davis Clk & Searcher of her Maties Custom's here before and since Mr Byerley's returne into this Province and that on Saturday the first of February 170$\frac{6}{7}$ about two in the afternoon the Late Comissr Fauconnier went and called severall of the

oficer's belonging to her Maties said Custome house cheifly the above s^d^ Wm Davis & brought them down to the Custome house in ord^r^ as said Comiss^r^ Declared to Deliver the Custome house to said Coll^o^ and Receiver Gen^ll^ Thomas Byerley who had been that day Restored to his s^d^ office & whom he had appointed to come & Receive the same att two a Clock and that they having stayd and waited there a Considerable time Beyond three a clock for said Byerley and the officers having appointed that afternoon to meet on some private affairs of their own (every afternoon on Saturday's being the only time the Custome house officers have to themselves) & hearing nothing from Mr Byerley they then declared to Fauconnier they could not stay no Longer & so went away about their own Business wth the Custome keys, that on Monday morning foll. the s^d^ Comiss^r^ came to the Custome house & there Delivered the same to Mr Byerley.

Cl Mr Phillips

This Being a dispute between Mr Byerley and Mr Fauconnier Mr Fauconniers sending home the Depositions of the Custome house officers the matter of Fact will appear there and it ought to be left to that Determination.

Mr Barberie

That the Question and opinion now read to him contains the truth to the Best of his Remembrance.

Mr Mompesson,

That the whole proceeding between Mr Byerley and Mr Fauconnier before this Board relating to her Maties Revenue be Laid before my Lord Treār for his Lordships Judgement & Directions therein Before this Board give any opinion or proceed any further thereon.

Mr Renslaer,

of the same opinion with Mr Barberie.

Mr Wenham,

That the Question & opinion contains the truth that undoubtedly the whole matter ought to be Laid before my Lord High Treār & this Board giving their opinion thereon does not hinder or impede its being so Laid before him.

M^r^ van Dam,

Was not then in Councill.

Mr Beeckman,

of the same opinion with Mr Wenham.

Coll^o^ Schuyler,

of the same opinion with Mr Wenham.

His Ex^ly^,

That the Question and opinion do contain the matter of fact and the truth and in order the more fully to Lay the matter before my Lord Treār the opinion of this Board is absolutely necessary.

Q. as to the detention of the Books & papers vizt

Whether the same were Tendred by s^d^ Comiss^r^ to s^d^ Coll^r^ or no.

If they were about what time the same was done and w^t^ was the reason said Coll^r^ Did not Receive them.

Whether said Comiss^r^ had any privat good reason (Besides here above specifyed) to detaine his own Books & to detaine it yet or no.

Whether said Comiss^r^ was Directed to keep those of s^d^ Coll^rs^ acco^ts^ or no & w^t^ were the reasons why said Coll^rs^ Books were so Left in to said Commissioners hands and recommended to his Custody & Care.

To which Question the following opinion was proposed and read vizt

That about y^t^ time ye s^d^ Comiss^r^ Brought to ye Custome house sev^ll^ Books of acco^ts^ relating to her Māties revenue here among wch Fauconn^r^ has offered to make oath that the Books relating to the acco^ts^ during Mr Byerleys management were that the s^d^ Fauconn^r^ offered to deliver the same to Mr Byerley provided only that he would give him a receipt for the same which Mr Byerley Refused Because the Book of acco^ts^ during the s^d^ Comiss^rs^ own time were not among

the rest Fauconnier having said he could not deliver that Book before his acco^{ts} were stated & Mr Byerley Insisting yet on his Resolution to have it Fauconn^{r} Lockt them all up in a drawer there belonging to him as navall officer & came the next day to take them away and it has further appeared unto us that the s^{d} Books Being necessary to prove severall Breaches of trust committed by Mr Byerley publickly laid to his charge by his Ex^{ly} att this Board himself present the same were Left to the custody & care of s^{d} Fauconnier till the matter relating to those charges were entirely over.

A. Mr Phillips,

The same opinion as before on the former Question.

Mr Barberie,

That it agreeing with the minutes he beleives it contains the truth.

Mr Renslaer,

The same opinion as on the other Question and opinion.

Mr Wenham,

That the Question and opinion contains the matter of fact as it was proved to this Board.

M^{r} van Dam,

was not here that day.

Mr Beeckman,

of the same opinion with Mr Wenham.

Coll^{o} Schuyler,

of the same opinion that he was on the former Question and opinion.

His Ex^{ly},

That the Question & opinion contain the matter of Fact as it is proved to this Board.

Q. as to the Recognizances for Excises in said Comiss^{rs} hands yet unpaid.

W^{t} those Recognissances were by whom procured when and when payable and for w^{t} sume.

Whether said Commissioner gave creditt for the same or no.

Whether said Comiss^{r} did any wrong hurt or prejudice to her Maties Creditt or Interest here, by such creditt & by advancing his owne money for the same.

Whether having given creditt & advanced his own money for the same yet he offered to deliver them all to said Coll^{r} or no

Att what time it appears they were offered to be delivered by the Comissioner & Refused by the Coll^{r}

On what conditions they were offered to be delivered

Whether those conditions which it appears the Coll^{r} Refused were reasonable or no.

Whether those conditions refused said Commissioner was in equity entituled to keep those recognissances in his hands & to demand & receive the amount thereof or no, and

Whether the detention of these few recognissances did so affect that Branch of her Maties revenue as to hinder Mr Byerley from receiving any other part of the Excises as is suggested by him or no.

Mr Phillips

That when Mr Fauconnier was Superceeded he ought to have delivered up all Books and papers relating to the revenue to him that Succeeded him that Mr Fauconnier was under no obligation to advance any money for the Publick that an order from Coll^{o} Quary or this Board could not oblige Mr Byerley to pay to Mr Fauconnier what he pretends to be in advance for the Government

Mr Barberie

That Mr Fauconnier not knowing when he was to be supperceeded and having advanced his own money for the creditt of the station he was in that he was Entituled to detain those recognissances on account of what was due to him by the Queen.

Mr Mompesson

Of the Same opinion as he was on the first Question.

Mr Renslaer

Of the Same with Mr Barberie

Mr Wenham

That Mr Fauconnier being in advance for the Queen in the Execution of his office and having placed those recognizances to the Creditt of the Queen & Mr Byerley refusing to secure him what the Queen might be Indebted to him his detaining those recognizances was no prejudice to the Queen nor any body else but for his own Security

Mr van Dam

Was not here that day

Mr Beeckman

Of the same opinion with Mr Wenham

Collo Schuyler

Of the same opinion with Mr Wenham

His Exly

That when any accountant has advanced his money for the service of the Crown and is to be removed from his office he ought to be reinburst what he had so advanced and that Mr Fauconniers having past all those recognizances to the creditt of the Queen in his accots those recognizances were become his property & that the detaining of them in his hands could be no prejudice to the Queen nor to any other person whatsoever nor be any hinderance to M Byerley's receiving any other parts of that Branch of her Māties revenue

Q. As to the Bonds due to her Māty said to have been Detained & Received by said Fauconnier even after said Collrs Restoration since Paid Mr Byerley instead of offering to prove his charge, as he has been chalenged to do has so farr declined the Jurisdiction and authority of this Honōble Board as to refuse to produce any proofs of any of his charges against the Commissioner and to answer to any Question made to him in relation thereunto yet that nothing remaines in the Dark yo humble Petr humbly prays for the opinion of this Honōble Board &

Whether it appears that Said Comissr has kept detained or received any besides those he was intituled to receive which became due & for which he gave creditt to her Māty Long before said Collrs returne, or no &

What is the Deputy Auditors opinion & knowledge thereon

A Mr Phillips

That Since Mr Byerley has charged Mr Fauconnier with Detaining Bonds & receiving Some of the money thereon Since he was Restored it Lyes on him to make it out before my Lord Treār

Mr Barberie

it does not appear that Mr Fauconnier has Detained any Such Bonds nor received any money thereon

Mr Mompesson

Of the same opinion as on the first Question

Mr Renslaer

Was not in Councill when this matter was Examined

Mr Wenham

That Mr Byerley's charge against Mr Fauconnier on this head is frivolus no such thing appearing to this Board & being summoned to Informe this Board what he knew of that matter The answer which he put in writing is a contempt of this Board.

Mr Van Dam

That Mr Byerley's answere in writing is a contempt of this Board and that no such ffact appears against Mr Fauconnier as his having any such Bonds

Mr Beeckman

of the same opinion with Mr Van Dam

Coll° Schuyler

of the same opinion with Mr Barberie

His Exly

That Mr Byerley's Complaint to my Lord Treār against Mr Fauconnier on this head is frivolous & groundless, and that his answere in writing formerly Delivered to this Board is not only a contempt of this Board But of her Mtāies authority in this Government

Q. As to the arrears of Sallaries said to be Left due by the Comiss^r to the Chiefe Justice and most of the officers that receives sallaries and as to wt has been offered by the Cōmiss^r in answere thereunto.

Whether Mr Byerley Left some arrears due to said Chiefe Justice the late Attorney Genll Broughton & when he was suspended or no.

Whether the Commissioner Fauconnier Received in proportion of time Less than the Collr Mr Byerley or no. and yet

Whether it appears that he paid more on Sallaries than Mr Byerley both in Proportion of their severall receipts and of the time they both acted or no.

A Mr Phillips

That since Mr Byerley and Mr Fauconnier have both Transmitted their accots of the revenue to my Lord Treār the matter of Fact will appear to his Lordship to whom he submitts it

Mr Barberie

That it appears by the accts Laid before this Board by Mr Fauconnier that both in Proportion of time & money recēd he has paid more Sallary than Mr Byerley

Mr Wenham

Of Mr Barberies opinion

Mr Van Dam Mr Beeckman Coll° Schuyler

Of the same opinion with Mr Barberie

His Exly

That Mr Fauconnier made it out very plain to this Board that both in respect of money recēd and point of time he paid more sallary warrants during his administracōn then Mr Byerley did in his

Q. As to the objections made by the Deputy auditor George Clarke Esqr to said Commissioners accots

Whether said Deputy auditor has declared that he has no more objections to make on either part of any of said Comissrs & Quarterly accots both as to the charge and the Discharge than he has already given in writing or no and

Whether any of said objections has appeared to be in any manner reasonably grounded or no with a short accot of the nature & particulars thereof

A Mr Phillips

That this relating to her Māties revenue conceives it is altogether within the Province of my Lord High Treār, and that he will not undertake to Determine that matter.

Mr Barberie

That it appearing to this Board that wt Mr Fauconnier has paid has been by warrants according to her Māties Instructions produced by his Exly to this Board has been regularly paid.

Mr Renslaer

Was not here when that matter was Examined.

Mr Wenham

That the warrts Mr Fauconnier has paid were pursuant to her Māties Instructions are well paid, and ought to be allowed him considering the same have Been allowed to others before.

Mr van Dam Mr Beeckman Coll° Schuyler

of the same opinion with Mr Wenham.

His Exly

That Mr Fauconnier having paid no parte of the revenue but by vertue of warrts signed by Govrs in Councill has acted regularly and ought to be allowed the same till her Matie is pleased to signify her pleasure, that the methods always in Practice to this day should be altered and that the Disallowing warrants so regularly granted & paid must Tend to the Distroying the Credit of the Government.

Q. As to the reasons why the Commrs 8: sevll Quarterly accots have remained unaudited to this day.

What reasons have appeared to this Honoble Board to be ye cause & occasion thereof.

If the nonpayment of the Honoble William Blathwaits Esqr Fees as auditr Genll which has been said to be the only cause thereof has been in reality so or no.

Wt it is that has appeared said Comissrs could be Justly charged with to discharge & fully Ballance the said whole Fees or Sallaries to the first day of February 170$\frac{6}{7}$ that he was superceaded.

Whether said commissioner could reasonably be charged with a farthing more on that head or no with the reasons thereof.

Whose faulte then it appears it is that those 8: severall Quarterly accots nor any one of them have not yet been duly audited as they ought to be thô Mr Blathwaiths Fees had been all paid according to his owne Directions sent your Exly long before the first of Febry 170$\frac{6}{7}$.

Mr Phillips

That Mr Fauconnier and the Deputy aditor oughte to Represent this matter home which is the proper place to Determine it.

M Barberie

That since M Blathwaith gave an order for altering his sallary which was signifyed to Mr Fauconnier by Mr Clarke it ought to be a good order in this Country being to reduce the sallary from more to Less and he having obeyed Mr Bathwaiths orders that it is very reasonable that his accots ought to be so audited.

Mr Mompesson

Gives the same answere as to the first Question.

Mr Renslaer

Says he was not here when the matter was first debated.

Mr Wenham

That Mr Blathwaiths Fees ought to be accounted for according as Mr Blathwaith signifyed to his Exly in his Letter & as the Deputy auditor acquainted Mr Fauconnier with, that he sees no reason for the Deputy auditors refusing to auditt the accots according to that method.

Mr van Dam

of the same opinion with Coll° Wenham.

Mr Beeckman

of the same opinion with Mr Barberie.

Coll° Schuyler

of the same opinion with Coll° Wenham.

His Exly

That the auditr Genlls Fees ought to be accounted for according as he had writt to his Exly in his Letter and if the accounts had been produced before his Exly in any other method he should not have allowed them and his Exly is further of opinion that whenever the Revenue in any Quarter shall so farr fall short as not to Leave sufficient to answere the auditr Genlls sallary that is no sufficient reason for the Deputy auditor to refuse to auditt those accounts but that the said sallary ought to be answered out of the next or some other subsequent Quarter.

Q. As to the Ballance of said commissioners 8: Quarterly acc^{ts} from the 17th day of Aprill 1705 to the first day of February 170$\frac{6}{7}$.

Whether said commissioner appears to be Indebted to her Mātie for or on the Last & finall Ballance of said acco^{ts} or no.

If he doth w^{t} he is Indebted for.

If he is not whether her Mātie appears to be Justly Indebted to him or no.

If her Mātie appears indebted, what it is she is Indebted for.

A. Mr Phillips

That since the Deputy auditor who he takes to be the proper person has made severall objections both to the charge and Discharge of Mr Fauconniers acco^{t} is of opinion that both ought to be Transmitted to my Lord High Treār who he takes to be the sole Judge thereof for that it relates to her Māties Revenue of this Province.

Mr Barberie

That Mr Fauconniers acco^{ts} produced by him att the Board are right and that there is due to him by the Queen to Ballance the same the sume of six hundred Eighty five Pounds one shilling Eleven pence farthing after Deducting Ten Pounds by him paid to Mr Laborie and fifty nine Pounds sixteen shillings for Candles furnisht for the Garrison for which he has had no warrants.

M Mompesson

Gives the same answere as to the first Question.

Mr Renslaer

Was not here when this matter was Debated before.

Coll^{o} Wenham

Of the same opinion with Mr Barberie with respect to the Ballance of the acco^{ts} and is further of opinion that the severall objections made by the Deputy audit^{r} to the Discharge of M Fauconniers acco^{ts} in Relation to firewood wood warr^{ts} is of a Dangerous consequence to this Province that he thinks himself obliged to declare the same to this Board fearing the Consequences that may Ensue by the Desertion of the forces from the Garrisons of this Province.

M^{r} van Dam Mr Beeckman Coll^{o} Schuyler

Of the same opinion with Coll^{o} Wenham.

His Ex^{ly}

That Mr Fauconnier has made it plainly appear by his accounts that there is a Ballance due to him from her Mātie of Six hundred Eighty five Pounds one Shilling Elevin Pence farthing after deducting Ten Pounds by him paid to Mr Laborie and fifty nine Pounds sixteen Shillings for Candles by him Furnisht for the Fort out of the former Ballance of seven hundred fifty four Pounds seventeen Shillings Eleven Pence one farthing he not having obtained warrants for the said two sūmes and his Ex^{ly} is further of opinion that the objections made by the Deputy Auditor to the payment of firewood warrants and the Coll^{rs} refusing to pay the same have been the only reason why that service has been refused to be performed by every Body which he fears will be attended with the desertion of most if not all the soldiers now in Pay.

Q. As to the Recognizances still unpaid in s^{d} Comiss^{rs} hands.

Whether the Commissioner Fauconnier having kept those Recognizances after creditt first given for so much on acc^{t} of w^{t} was due to him by her Mātie & having been hindered to Demand and receive the same he is intituled to do it now that it plainly appears he has so much to Demand from her Mātie as he offered to prove it as soon as superceeded or no.

Whether there being so much due to the commissioner for Ballance from her Mātie he having offered before he was superceeded to take those Recognizances in part thereof for so much as was due on them by the creditt he gave for the same he having since been hindred to demand and Receive the amount thereof he having offered to deliver them all to the Coll^{r} Mr Byerley in February 170$\frac{6}{7}$ Said Coll^{r} having refused to receive the same on the conditions offered by said Commissioner thô Reasonables (viz) that w^{t} should appear to be Due to him to Balance his Last acco^{t} might be secured and paid him he is to be accountable now for more than he can Receive on said Recognizances or no and Lastly

Whether the Coll^{r} Mr Byerley having been the only cause Mr Fauconnier was Prohibited receiving those Recognizances thô so Justly his owne property by a Proclamation sollicited & procured by him into Gen^{ll} words & having refused att the same time to receive all the s^{d} Recognizances securing only that w^{t} should be due to said Commissioner Fauconnier on the

stating of his Last and finall acco^ts should be paid him he is not Justly answerable to sd Fauconnier & her Māty for any such part thereof that is become Insolvant since February 170$\frac{9}{7}$ or no.

A. Mr Phillips

Of the same opinion he was on the Third Question.

Mr Barberie

That since it appears by Mr Fauconniers acco^ts that there is a considerable Ballance due to him that the Recognizances do belong to him as his property and that if there be any Loss upon those Recognizances by Mr Byerley's refusall to give him a power to receive the same that M Fauconnier ought not to Lose it.

Mr Mompesson

Referr's to his answere on the first Question.

Mr Renslaer

Was not here when this matter was debated.

Mr Wenham

That there being a considerable Ballance due to Mr Fauconnier notwithstanding he has given the Queen creditt for these Recognizances is of opinion he ought to be Impowered to receive them that if there be any loss by reason of their Lying so long that he ought to be allowed the same.

M^r van Dam

Of the same opinion with Mr Wenham.

Mr Beeckman

Of the same opinion with Mr Barberie.

Coll^o Schuyler

Of the same opinion with Coll^o Wenham.

His Ex^ly

That since there does appear to be a considerable ballance due to Mr Fauconnier upon his Gen^ll acco^t and that he has given Creditt to the Queen for those very recognizances now in dispute 'tis highly reasonable he should be impowered to receive the same and that if any deficiency has happened on acco^t of the said Recognizances since the time Mr Byerley refused to receive the same on the Termes proposed Mr Fauconnier ought to be considered for it.

Question

If M Fauconnier Late Commissioner for Executing the office of Coll^r & Receiver Gen^ll of this Province has duely accounted with & rendred to her Mātie as far as in him Lay a Just and true account of all sūmes of money by him recēd upon any Branch of her Māties Revenue in this Province and has well & truely performed such things as a Commissioner appointed to execute the said ofice is Bound in duty to performe.

Mr Phillips

That since in the opinions he has given to severall Questions he has referred the same to my Lord High Treār he does now the Like upon the whole with this addition that the whole proceedings therein with the respective opinions on the same ought to be Transmitted to his Lordship for his finall judgement thereon.

M Barberie

That by all that has appeared to this Board from Mr Fauconnier concerning his acco^ts as Comiss^r for Executing the office of Coll^r & receiv^r Gen^ll of this Province that he has duely Performed his office.

Mr Mompesson

This Question depending upon the severall particulars in this matter all which he has humbly submitted to the Judgement & direction of my Lord High Treār he does the same in this also.

Mr Renslaer

Was not here att the examination of this matter.

Collo Wenham

That by all that has appeared to this Board upon the Examination of Mr Fauconniers accots nothing has appeared but that he has discharged the trust reposed in him as a good officer.

Mr van Dam

That Mr Fauconnier having produced warrts & vouchers for every article of his accot he has discharged himself as a good officer.

Mr Beeckman

Of the same opinion with Mr van Dam.

Collo Schuyler

Of the same opinion with Mr van Dam.

His Exly

That Mr Fauconnier in the Execution of his office of Commissioner for Executing the office of Collr & Receivr Genll of this Province has discharged his duty with fidelity.

Mr Fauconnier moving for a Proclamation Enabling him to receive the money due on Recognizances remaining in his hands.

Mr Phillips

That it ought not to be, for the granting it, it would be contradictory to his first opinion.

Mr Barberie

That this matter ought to be first decided att home.

Mr Mompesson

Of the same opinion with Mr Barberie.

Mr Renslaer

Of the same opinion with Mr Barberie.

Mr Wenham

That his Exly ought to impower him to receive them for in the condition they now are they may be Lost & come to nothing.

Mr van Dam

Of the same opinion with Mr Wenham.

Mr Beeckman

Of the same opinion with Mr Wenham.

Collo Schuyler

Of the same opinion with M Wenham.

His Exly

That Mr Fauconnier ought to be Impowered to receive the money due on those Recognizances for these reasons first, because having given creditt to the Queen for them his Exly looks upon them to be properly due to him and not the Queen, Secondly, because if not soon received they may be intirely Lost and the debt from the Queen to the sd Fauconnier become greater than it need be and this his Exly looks upon to be no damage to the interest of the Queen because the sd Fauconnier is still under security to her Mātie.

Ordered, that a Proclamation be prepared accordingly.

Att a Councill held att Fort Anne in New Yorke this 15th *day of Septem*r, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, RIP VAN DAM, THOS WENHAM, KILLIAN VAN RENSLAER, } Esqrs

ROGER MOMPESSON, JOHN BARBERIE, ADOLPH PHILLIPS, } Esqrs

The Bill Entituled, An Act for the Encouragement of Whaling was read the Second time & Committed to the Gent of this Board or any five of them.

Att a Councill held att Fort Anne in New Yorke this 16th *day of Septem*r, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, THOMAS WENHAM, KILLIAN VAN RENSLAER, } Esqrs

ROGER MOMPESSON, JOHN BARBERIE, } Esqrs

Thomas Wenham Esqr Chairman of the Committee to whom the Bill Entituled, An Act for Encouragement of Whaling was Committed Reported from the Said Committee that they have gone through the Said Bill without any amendment.

Which Bill was read a Third time & ordered to pass.

Ordered, that Collo Wenham do acquaint the house of Representatives that this Board have agreed to the sd Bill without any amendment.

John Barberie Esqr Chairman of the Committee to whom the Bill Entituled, An Act for Suppressing of Immorality was Committed Reported from the sd Committee that they have [gone] through the Said Bill without any amendment.

Which Bill was read a Second time & ordered to Pass.

Ordered, that John Barberie Esqr do acquaint the house of Representatives that this Board have agreed to the sd Bill without any amendment.

Mr Mompesson acquainted this Board that he has acquainted the house of Representatives that this Board does not insist on the amendment to the Bill Entituled, An Act for reviving An Act of Genll Assembly Entituled, An Act for the Better Settling the militia & making it more usefull for the security & defence thereof

Att a Councill held at Fort Anne In New Yorke this 17th *day of Septemb*r, 1708.

PRESENT— *His Excellency,*

PETER SCHUYLER, RIP VAN DAM, THOS WENHAM, } Esqrs

KILLIAN VAN RENSLAER, ROGER MOMPESSON, JOHN BARBERIE, ADOLPH PHILLIPS, } Esqrs

His Exly Informed this Board that he has recēd a Message from the house of Representatives that they have past a Bill Entituled, An Act for rāising a fund for presents to the five nations & for the Defence of the ffrontiers to which they desire the Concurrence of this Board which Bill was read the 1st time & ordered to be read a second time

Mr Phillips Informed this Board that yesterday they had a Conference with the house of Representatives Concerning the Regulation of the Coin & Delivered their Resolutions thereon to his Exly

His Exly Informed this Board that he has recēd a Message from the house of Representatives that they have past a Bill Entituled, An Act to releive this Collony from diverse Irregularityes and Extortions which Bill was read the 1st time & ordered to be read a second time

Att a Councill held att Fort Anne in New Yorke, this 17th *day of Septemb*r, 1708, at 4 in the Afternoon.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, RIP VAN DAM, THOS WENHAM, Esqrs — KILLIAN VAN RENSLAER, ROGER MOMPESSON, JOHN BARBERIE, Esqrs

The Bill Entituled, An Act for raising a ffund for presents to the five nations and for the defence of the Frontiers was read a second time & Committed to the Gent. of this Board or any five of them.

Att a Councill held att Fort Anne in New Yorke, this 18th *day of Septemb*r, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, THOMS WENHAM, K. V. RENSLAER, Esqrs — ROGER MOMPESSON, JOHN BARBERIE, Esqrs

Mr Wenham Reported from the Committee to whom the Bill Entituled, An Act for raising a fund for prsents to the five nations & for the defence of the Frontiers was committed that they have gone through the said Bill without any amendment.

Which Bill was read a Third time and past.

Mr van Dam took his place.

The house of Representatives attending his Exly according to the Message sent them his Exly gave his assent to and past these following Bills Enacting the same & ordering them to be enrolled vizt

1. An Act for the more Effectuall preservation of Deer & other Game & the Distruction of Wolves wild Catts & other vermine.

2. An Act to prevent Damages done by Swine in the County of West Chester Queens County & the County of Richmond.

3. An Act for the Encouragement of the *Post Office* within this Province.

4. An Act for reviving, An Act of Genll Assembly Entituled, An Act for the better Settling the Militia of this Province & making it more usefull for the Security & Defence thereof.

5. An Act for Encouragement of Whaling.

6. An Act for Suppressing of Immorality.

7. An Act for raising a fund for the five nations & for the Defence of the Frontiers.

Att a Councill held att Fort Anne in New Yorke, this 22th *of Septemb*r, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

RIP VAN DAM, THOMAS WENHAM, ROGER MOMPESSON, Esqrs — JOHN BARBERIE, ADOLPH PHILLPS, Esqrs

His Exly acquainted this Board that he has Recēd a Message from the house of Representatives that they have past a Bill Entituled, An Act for the Explaining An Act Entituled, An Act for the laying out Regulating cleering & preserving Publick Common highways throughout this Colony which was read the first time & ordered to be read a second time.

And also a Bill Entituled, An Act for reviving, An Act of Genll Assembly of this Province Entituled. An Act against forging Counterfeiting and Clipping of Forreign Coin which is Currant money in the Collony of New Yorke to which they also desire the concurrence of this Board.

Which Bill was read the first time & ordered to be read a second time.

Att a Councill held att Fort Anne in New Yorke, this 23^{d} *of Septemb*^{r}, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

GERARDUS BEECKMAN, RIP VAN DAM, THOMAS WENHAM, } Esq^{rs} — JOHN BARBERIE, ADOLPH PHILLIPS, } Esq^{rs}

His Ex^{ly} Informed this Board that he has Receed a Message from the house of Representatives that they have past a Bill Entituled, An Act to Enable the Supervisors of Queens County to repair or to Rebuild a County hall and Common Goale for the Said County

wch Bill was read the first time & ordered to be read a Second time

The Bill Entituled, An Act for the Reviving An Act of the Gen^{ll} Assembly of this Province Entituled, An Act against forging Counterfeiting & Clipping of forreign Coin which is Currant money in the Collony of New Yorke was read a Second time and Committed to the Gent^{s} of this Board or any Three of them.

The Mayor the Citty of New Yorke presented a Petition against the reading the second time a Bill Entituled, An Act for the Explaining An Act for the laying out regulating Cleering & preserving Publick common highways through out this Colony till the Petitioner be heard by his Councill.

Ordered, that the Mayor Aldermen & Comonality of the said Citty be heard by their Councill to morrow morning on the Said Petition

Att a Councill held att Fort Anne in New Yorke this 24th *day of Septemb*^{r}, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

RIP VAN DAM, THOMAS WENHAM, } Esq^{rs} — ROGER MOMPESSON, JOHN BARBERIE, } Esq^{rs}

Rip van Dam Esqr Chairman of the Committee to whom was committed the Bill Entituled, An Act for Reviving An Act of Gen^{ll} Assembly of this Province Entituled, An Act against forging Counterfeiting and Clipping of Forreign Coin which is Currant money in this Colony of New Yorke Reported from the said Committee that they have gone through the said Bill without any amendment which was read a Third time and past

Ordered, that Rip van Dam Esqr do acquaint the house of Representatives that this Board have agreed to the Said Bill without any amendment

The Bill Entituled, An Act to Enable the Supervisors of Queens County to repair or to rebuild a County hall & Comōn Goal for said County was read a Second time & committed to the Gent^{s} of this Board or any three of them.

His Ex^{ly} acquainted this Board that yesterday he reced a Message from the house of Representatives that they have past a Bill Entituled, An Act for the regulating & preventing the Corruption of the Curr^{t} Coin which was read the first time & ordered to be read a second time.

The Mayor Aldermen & Comonalty of the Citty of New Yorke having been heard by their Councill against the Bill Entituled, An Act for the explaining An Act Entituled, An Act for the laying out regulating clearing & preserving Publick Comōn highways thro^{h} out this Colony

The Question was put wether the said Bill should be read a Second time or no & was carryed in the affirmative & being read a second time is Committed to the Gent^{s} of this Board or any three of them.

Att a Councill held att Fort Anne in New Yorke this 27th *day of Septemb*^{r}, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

GERARDUS BEECKMAN, RIP VAN DAM, THOMAS WENHAM, } Esq^{rs} — JOHN BARBERIE, ADOLPH PHILLIPS, } Esq^{rs}

The Bill Entituled, An Act for the regulating & preventing the Corruption of the Currant Coin was read a Second time & committed to the Gent^{s} of this Board or any three of them.

The Bill Entituled, An Act to releive this Collony from diverse Irregularitys and Extortions was read a second time & Committed to the Gent^{s} of this Board or any Three of them.

In regard neither of her Māties men of warr attending in this Province are now fitt to proceed to Sea it is

Ordered, that Mr Van Dam do this afternoon acquaint the house of Representatives therewith and also how necessary it is that att this time some vessells should be sent out in pursuit of the Privateer on this Coast and propose to the house that they will pass a vote for the payment of the hire of two Sloops (which now Lye clean in the port) to be sent out on that Service and also that the owners may be secured of payment of the sd vessells in case they be Lost or for what Damage may be done on Board them

Att a Councill held att Fort Anne in New Yorke, this 28th day of Septembr, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

RIP VAN DAM, THOS WENHAM, } Esqrs JOHN BARBERIE, ADOLPH PHILLIPS, } Esqrs

His Exly Informed this Board that he has recēd a Message from the house of Representatives that they have past a Bill Entituled, An Act for the better inforcing Certain Covenants relating to the Ferry to New Yorke which Bill was read the first time & ordered to be read a second time.

His Exly acquainted this Board that the house of Representatives have resolved to raise a fund sufficient for the hire &c of two sloops to Endeavour to take the Privateer on the Coast.

Att a Councill held att Fort Anne in New Yorke, the 29th day of Septembr, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

THOMAS WENHAM, JOHN BARBERIE, } Esqrs ADOLPH PHILLIPS, Esqr

His Exly acquainted this Board that he has recēd a Message from the house of Representatives that they have Past a Bill Entituled, An Act for the Better Settlement and assurance of Lands in this Colony which was read the first time & ordered to be read a second time.

Att a Councill held att Fort Anne in New Yorke, this 30th of Septembr, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

GERARDUS BEECKMAN, THOS WENHAM, ROGER MOMPESSON, } Esqrs JOHN BARBERIE, ADOLPH PHILLIPS, } Esqrs

The Peticōn of Mr George in behalf of Mr Brett agt reading the second time the Bill Entituled, An Act for the better settlement & assurance of Lands in this Colony till he be heard thereon by his Councill being read Mr Bickley Councill for the Petr was heard thereon and the Question being put

Whether the said Bill should be read a second time ?

It past in the affirmative &

The said Bill being read a second time is Committed to the Gents of this Board or any Three of them.

The Peticōn of James Harding against passing the Bill Entituled, An Act for the Better inforcing certain Covenants relating the Ferry to New Yorke was read and the Bill being read a second time & Councill heard on the said Petition the Question was put

Whether the said Bill should be Committed ?

It past in the negative ; then

The Question being put if the sd Bill be rejected ?

It past in the affirmative.

Att a Councill held att Fort Anne in New Yorke, this first day of Octob^r, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

GERARDUS BEECKMAN, RIP VAN DAM, THOMAS WENHAM, } Esq^rs

ROGER MOMPESSON, JOHN BARBERIE, ADOLPH PHILLIPS, } Esq^rs

Roger Mompesson Esqr Chairman of the Committee to whom the Bill Entituled, An Act for the better regulating and preventing the Corruption of the Currant Coin was Committed reported from the said Committee that they have gone through the sd Bill & made some amendments thereto which he read in his place & afterwards delivered in att the Table where the same were read & agreed to and the Bill with the amendments

Ordered, to be read a Third time & being accordingly read was past with the amendments.

Ordered, that Mr Phillips do carry the said Bill to the house of Representatives and acquaint them that this Board have agreed to the said Bill with some amend^ts to which they desire the Concurrence of that house.

Adolph Phillips Esqr Chairman of the Committee to whom the Bill Entituled An Act to Enable the Supervisors of Queens County to repair or to rebuild a County hall & Common Goal for the said County was Committed reported from the said Committee that they have gone through the said Bill without any amendment which bill was ordered to be read a Third time and being read accordingly was past.

Ordered, that Adolph Phillips Esqr Do acquaint the house of Representatives that this Board have agreed to the sd Bill without any amendment.

Adolph Phillips Esqr Chairman of the Committee to whom the Bill Entituled, An Act for the Explaining An Act Entituled An Act for the laying out cleering & preserving Publick Comōn highways through out this Collony was Committed reported from the said Committee that they have gone through the said Bill & made some amendments thereto which he read in his place and afterwards Delivered in att the Table where the same were read & agreed to by the Board.

Ordered, that the said Bill with the amendments be read a third time & being accordingly read is past with the amendm^ts

Ordered, that Mr Phillips do carry the said Bill with the amendments to the house of Representatives & acquaint them that this Board have agreed to the sd Bill with some amendments to which they desire the Concurrence of that house.

Adolph Phillips Esqr Chairman of the Committee to whom the Bill Entituled, An Act for the Better Settlement & assurance of Lands in this Colony was Comitted Reported from the sd Committee that they have gone through the said Bill & made some amendments thereto which he read in his place & afterwards Delivered in att the Table where the same were read and agreed to by the Board.

And it being proposed to make some amendm^ts to the said Bill the following amendments were made vizt fol 1st Line the last after the word [*notwithstanding*] insert these words [saving neverthelesse all manner of right to her Mātie her heirs & successors] fol 2^d Line 19 after the word [*being*] insert these words [and Transmitted to the Secrȳs office according to the direction of An Act past in the year 1683 Entituled, An Act to prevent frauds in Conveyancing of Lands.

fol 2^d Line the Last after the word Court add these words [oath being made that such originall Deed or Deeds Conveyance or Conveyances and writings having Been casually or accidentally destroyed or Lost] this Board having made the said amendments to the said Bill the same with the amendments was read the third time and past with the amendments.

Ordered, that Adolph Phillips Esqr do carry the said Bill with the amendments to the house of Representatives and acquaint them that this Board have agreed to the said Bill with some amendments to which they desire the Concurrence of that house.

Roger Mompesson Esqr Chairman of the Committee to whom the Bill Entituled An Act to releive this Colony from diverse Irregularitys & Extortions was Committed Reported from the s^d Committee that they have gone through the sd Bill & made some amendments thereto which he read in his place & afterwards delivered in att the Table where the same were read & agreed to by the Board & the Bill with the amendments being read a Third time is ordered to Lye on the Table till to morrow morning.

A Message from the house of Representatives By Mr Harding that the house have past a Bill Entituled, An Act for refunding six hundred ffourty Six Pounds Thirteen Shillings and four pence misapplied in the Eighteen hundred Pounds Tax.

Which Bill was read the first time & ordered to be read a second time.

Att a Councill held att Fort Anne In New Yorke, this 4th day of Octob^r, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

GERARDUS BEECKMAN, RIP VAN DAM, } Esq^rs — THO^s WENHAM, JOHN BARBERIE, } Esq^rs

Mr Whitehead brought up a Bill Entituled, An Act for the regulating & preventing the Corruption of the Curr^t Coin and the amendments & acquainted this Board the house have agreed to the same.

A Bill Entituled, An Act to Enable the mayor aldermen & Commonality of the Citty of New Yorke to raise the sūme of six hundred Pounds in two years for the uses therein mentioned was read the first time and ordered a second reading.

Ordered, that Coll^o Wenham carry the Bill to the Assembly Entituled, An Act to Releive this Colony from diverse Irregularitys and Extortions and acquaint them that this Board have agreed to the same with some amendments to which they desire the Concurrence of that house.

The Bill Entituled, An Act for Refunding six hundred Fourty six Pounds thirteen shillings and four Pence misapplyed in the Eighteen hundred Pounds tax was read a second time & Committed to the Gent: of this Board or any Three of them

Att a Councill held att Fort Anne in New Yorke this 6th day of Octob^r, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

GERARDUS BEEKMAN, THO^s WENHAM, ROGER MOMPESSON, } Esq^rs — JOHN BARBERIE, ADOLPH PHILLIPS, } Esq^rs

A Message from the house of Representatives that they agreed to the amendments made by this Board to the Bill Entituled, An Act to Releive this Collony from diverse Irregularity & Extortions

His Ex^ly having ordered the attendance of the Assembly & they being according come up his Ex^ly assented to the following Bills Enacting the same and ordering them to be Enrolled

1. An Act for Reviving An Act of Gen^ll Assembly of this Province Entituled, An Act against fforging counterfeiting and Clipping of forreigne Coin which is Currant money in the Colony of New Yorke.

2. An Act for the Regulating & preventing the corruption of the Coin.

3. An Act to Enable the Supervisors of Queens County to repair or to Rebuild a County hall & Common Goal for the said County

4. An Act to Releive this Collony from diverse Irregularitys & Extortions.

Att a Councill held at Fort Anne in New Yorke this 8th day of Octob^r, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, RIP VAN DAM, THOMAS WENHAM, } Esq^rs — ROGER MOMPESSON, JOHN BARBERIE, ADOLPH PHILLIPS, } Esq^rs

The Bill Entituled, An Act to Enable the Mayor Aldermen and Commonality of the Citty of New Yorke to raise the sūme of six hundred Pounds in two years for the uses therein mentioned was read a second time and committed to the Gent: of this Board or any Three of them

John Barberie Esqr Chairman of the Committee to whom the Bill Entituled, An Act for Refunding six hundred and Fourty six Pounds Thirteen shillings and four Pence misaplyed in the Eighteen hundred Pounds Tax was Committed Reported from the said Committee that they have gone through the said Bill and made severall amendments thereto which he read in his place and afterwards delivered in att the Table, where the same were read.

The two Last amendments made by the Committee to the said Bill is disagreed to, the rest being agreed to The Councill made Likewise some other amendments to the said Bill

Which being read a third time was past

Mr Mompesson and Mr Phillips Enter their Dissent to the passing the said Bill because it is anticipating her Mäties Revenue.

Ordered, that John Barberie Esqr do carry the said Bill to the house of Representatives and acquaint them that this Board have agreed to the said Bill with some amendments to which they desire the Concurrence of that house.

His Exly acquainted this Board that he has recēd a Message from the house of Representatives that they cannot agree to the amendmts made by this Board to the Bill Entituled, An Act for ye Explaining An Act Entituled, An Act for the Laying out regulating clearing & preserving Publick Common highways throughout this Colony

Whereupon the Question being put if this Board insist on these amendments?

It past in the affirmative.

Ordered, that Adolph Phillips Esqr do acquaint the house of Representatives that this Board do desire a Conference with them on the subject matter of the said Bill to morrow morning att nine a clock att the Coffee house & that in the mean time a Committee meet to draw up their reasons

His Exly Acquainted this Board that he has Recēd a Message from the house of Representatives that they Cannot agree to the amendments made by this Board to the Bill Entituled, An Act for the better Settlement & Assurance of Lands in this Colony

Whereupon the Question being put if this Board insist in their amendments

it past in the Affirmative.

Ordered, that Adolph Phillips do acquaint the house of Representatives that this Board do desire a Conference with them on the Subject matter of the Said Bill on Tuesday next att three a Clock in the Afternoon att the Coffee house.

His Exly acquainted this Board that he has Recēd a Message from the house of Representatives that they have past a Bill Entituled, An Act for raising Two hundred Fifty three Pounds Sixteen Shillings to discharge the Lord Cornbury from his Contract with Mr Hansen

Which Bill was read the first time & ordered to be read a second time.

Att a Councill held att Fort Anne in New Yorke this 11th *day of October*, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER,	Esqrs	THOS WENHAM,	Esqrs
GERARDUS BEECKMAN,		JOHN BARBERIE,	
RIP VAN DAM,		ADOLPH PHILLIPS,	

The Bill Entituled, An Act for raising two hundred Fifty three Pounds & Sixteen Shillings the discharge the Lord Cornbury from his Contract with Mr Hansen was read a Second time & Committed to the Gent: of this Board or any three of them.

Thomas Wenham Esqr Chairman of the Committee to whom the Bill Entituled, An Act to Enable the Mayor Aldermen Commonality of the Citty of New Yorke to raise the Sūme of Six hundred Pounds in two years for the uses therein mentioned was Committed Reported from the Said Committee that they have gone through the sd Bill without any amendment

Which Bill being read a third time was past.

Ordered, that Colle Wenham do Acquaint the house of Representatives that this Board have agreed to the Said Bill without any amendment.

Adolph Phillips Esqr Reported from the Conference with the house of Representatives on the Subject matter of the Bill Entituled, An Act for Explaining An Act Entituled, An Act for laying out regulating clearing and preserving Publick Comōn highways thrô out this Colony that they have met on the Said Conference and delivered in writing to the Representatives their reasons for insisting on their amendments to the sd Bill & that the Representatives do not insist on that part of the amendment relating to the quashing & making void the verdict in the Case Between Thomas Turneur & Zachariah Sickles, and that as to the other part of the amendment they have delivered their reasons Likewise in writing for their disagreeing thereto which were read att the Table.

The question being put if this Board do resolve to adhere to their whole amendmt

It past in the affirmative

Ordered, that Mr Phillips do acquaint the house of Representatives that this Board do desire a free Conference with them to morrow in the afternoon att three a Clock att the Coffee house on the subject matter of the amendments made by this Board to the Said Bill.

Ordered, that the two orders made the Last Councill for a Conference with the House of Representatives be amended by striking out the word demand & inserting the word desire

A Message from the house of Representatives by Mr Hansen that they desire this Board will appoint a Committee to conferr with a Committee of that house in order to the drawing a Bill for Establishing & regulating Fees

Resolved, that Mr Van Dam, Mr Wenham, Mr Barberie and Mr Phillips or any three of them be a Committee for that Purpose.

Ordered, that Mr van Dam do acquaint the house of Representatives that this Board have appointed a Committee to conferr with them according to their desire.

Att a Councill held att Fort Anne in New Yorke, this 12th *day of Octobr*, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Pr SCHUYLER, RIP VAN DAM, THOMAS WENHAM, } Esqrs

ROGER MOMPESSON, JOHN BARBERIE, } Esqrs

John Barberie Esqr Chairman of the Committee to whom the Bill Entituled, An Act for raising the sume of two hundred fifty three Pounds and sixteen Shillings to discharge the Lord Cornbury from his Contract with Mr Hansen Reported from the said Committee that they have gone through the said Bill without any amendment.

Which Bill being read a third time it past.

Ordered, that Mr Barberie do acquaint the house of Representatives that this Board have agreed to the said Bill without any amendment.

Thomas Wenham Esq reported from the Committee appointed to draw up an Address to her Mātie to Supplicate her Māties Gratious approbation of the Act of Assembly lately past for regulating the Coin; reported from the said Committee that they have drawn up such Address, which was read att the Board.

Att a Councill held att Fort Ann in New Yorke, this 14th *day of Octobr*, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, GERARDUS BEECKMAN, RIP VAN DAM, } Esqrs

THOMAS WENHAM, ROGER MOMPESSON, JOHN BARBERIE, } Esqrs

A Message from the house of Representatives that they have agreed to the amendmts made by this Board to the Bill Entituled, An Act for refunding six hundred Fourty six Pounds Thirteen Shillings and four Pence misaplyed in the £1800 Tax and made some other amendments thereto which were read att the Board and agreed to.

Ordered, that Mr Phillips do acquaint the house of Representatives that this Board have agreed to the amendments made by that house to the sd Bill.

Att a Councill held att Fort Anne in New Yorke, this 15th *day of Octobr*, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Collo SCHUYLER, Mr BARBERIE, } Mr PHILLIPS,

A Message from the house of Representatives that they have past a Bill Entituled, An Act for preventing the conspiracy of Slaves to which they desire the concurrence of this Board.

Which Bill was read the first time and ordered to be read a second time.

Another Message from the house of Representatives that they have past a Bill Entituled, An Act for the Easier Partition of Lands in Joint Tenancy or in Common to which they desire the Concurrence of this Board.

Which was read the first time and ordered to be read a second time.

Att a Councill held att Fort Anne in New Yorke, this 16th *day of Octob*r, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, RIP VAN DAM, THOS WENHAM, } Esqrs

ROGER MOMPESSON, JOHN BARBERIE, ADOLPH PHILLIPS, } Esqrs

The Bill Entituled, An Act for the Easier Partition of Lands in Joint Tenancy or in Common was read a second time and committed to the Gent: of this Board or any Three of them.

The Bill Entituled, An Act for preventing the Conspiracy of Slaves read a second time & committed to the Gents of this Board or any three of them.

The Secretary having been sent to ordr the Assembly to attend his Exly and they being accordingly come he assenting to the following Bills Enacting them and ordering them to be Enrolled.

1. An Act for refunding seven hundred and Eleven Pounds Ten Shillings & five Pence misapplyed in the £1800 Tax.

2. An Act for raising Two hundred Fifty three Pound & Sixteen Shillings to discharge the Lord Cornbury from his Contract with Mr Hansen.

An Act to Enable the mayor aldermen and Commonallity of the Citty of New Yorke to to raise the sume of six hundred Pounds for the uses therein mentioned.

Ordered, that Mr Byerley Lay his accots of the Revenue before this Board on Monday next.

His Exly delivered to the Speaker of the house an address to her Mātie which he proposed to be signed By the Govr Councill and Assembly praying her Māties approbation of the Act for preventing the Corruption of the Currant Coin & recommended to the assembly to raise a sūme to defray the Charge of Sollicitation of this address.

Att a Councill held att Fort Anne in New Yorke, this 21th *day of October*, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, RIP VAN DAM, THOMAS WENHAM, } Esqrs

ROGER MOMPESSON, JOHN BARBERIE, ADOLPH PHILLIPS, } Esqrs

Ordered, that Mr Van Dam and Mr Mompesson do prepare a Bill to prevent the clandestine Trade now carryed on Betweene the Inhabits of & near Albany with the ffrench in Canada and to Confine the Indian Trade to the Citty of Albany & also to Prevent the Exportation of Beaver Dear skins and other Peltry from Albany to New England by Land.

Ordered, that Mr Phillips do acquaint the house of Representatives that this Board do appoint to morrow att Three a Clock in the afternoon att the Coffee house for the Free Conferrence on the subject matter of the amendments made to the Bill Entituled An Act for Explaining An Act forr laying out regulating clearing and Preserving Publick Common highways through out this Collony.

Ordered, that Mr Phillips do acquaint the house of Representatives that this Board do appoint to morrow att three a Clock in the afternoon att the Coffee house for the Conferrence on the Subject matter of the Bill Entituled, An Act for the better Settlement and assurance of Lands within this Collony.

Att a Councill held att Fort Anne in New Yorke, the 22th *day of Octob*r, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, RIP VAN DAM, THOS. WENHAM, } Esqrs

ROGER MOMPESSON, JOHN BARBERIE, ADOLPH PHILLIPS, } Esqrs

Roger Mompesson Esqr Chairman of the Committee to whom the Bill Entituled, An Act for Preventing the Conspiracy of slaves was Committed reported from the said Committee that they have gone through the said Bill and made severall amendments thereto which he read in his place & afterwards delivered in att the Table where the same were read and agreed to by the Board & the Bill read a Third time with the amendments was agreed to.

Ordered, that Mr Mompesson do acquaint the house of Representatives that this Board have agreed to the said Bill with some amendments to which they desire the Concurrence of that house.

John Barberie Esqr Chairman of the Committee to whom the Bill Entituled, An Act for the Easier Partition of Lands in Joynt Tennancy or in Common was Committed Reported from the Committee that they have gone through the said Bill without any amendment.

But some amendments being proposed att the Board they were agreed to and the Bill with the said amendments being read a Third time was Past.

Ordered, that Mr Barberie do acquaint the house of Representatives that this Board do agree to the said Bill with some amendments to which they desire the Concurrence of that house.

A Message from the house of Representatives by Mr Haredon that they have past a Bill Entituled, An Act for the Better preserving of Sundry antient Dutch wills Contracts and other writings to which they desire the Concurrence of this Board which Bill was read the first time and ordered to be read a second time.

Att a Councill held att Fort Anne in New Yorke, this 22th day of October, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

PETER SCHUYLER, THOS WENHAM, } Esqrs

ROGER MOMPESSON, JOHN BARBERIE, } Esqrs

The Bill Entituled, An Act for the better preserving of sundry antient Dutch wills Contracts and other writings was Read a second time and committed to the Gent: of this Board or any three of them.

Att a Councill held att Fort Anne in New Yorke, this 25th day of October, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Collo SCHUYLER, Mr BEECKMAN, Mr WENHAM, }

Mr MOMPESSON, Mr BARBERIE, }

His Exly acquainted this Board that he has Recēd a Message from the house of Representatives that they have agreed to the amendments made by this Board to the Bill Entituled, An Act for the Easier Partition of Lands in Joint Tenancy or in Common.

And also another Message that they do not insist on that parte of the amendments made by this Board to the Bill Entituled, An Act for Explaining An Act Entituled, An Act for the laying out regulating clearing & preserving Publick Common highways throughout this Collony Relating to the Quashing & making void the verdict in the case between Thomas Turneure & Zach: Sickles but they insist on the other Parte of the said amendmts.

Mr Mompesson reported from the Committee appointd to meet a Committee of the house of Representatives on a free Conference on the subject matter of the sd amendmt that they have met thereon but did not agree.

Whereupon after some debate

Ordered, that Mr Mompesson acquaint the house of Representatives that this Board do not insist on that parte of their amendment to the said Bill relating to the Inhabitants of the Town of Harlem not being obliged to mend repair or Levell any highways beyond or without the Bounds or Limitts of their own Lands.

Upon reading the Peticōn of Ebenezer Willson & Lancaster Syms praying Leave to Bring in a Bill to oblige Thomas Byerley Esqr Late Collr & receivr Genll of this Province to refund the sume of One Thousand and ninety Pounds Sixteen Shillings Eleven Pence three farthings detained by him of the Revenue without any Lawfull warrant or authority It is

Ordered, that the Petrs have Leave to Bring in a Bill according to the prayer of their Peticōn.

Att a Councill held att Fort Anne in New Yorke, this 26th *day of October*, 1708.

PRESENT — *His Excellency* &c.,

Coll° SCHUYLER, Mr BEECKMAN, Mr VAN DAM, Mr WENHAM, Mr MOMPESSON, Mr PHILLIPS,

Mr Mompesson presented to the Board a Bill Entituled, An Act for preventing all trade & commerce with the French of Canada & regulating the Indian Trade att Albany which was read the first time & ordered to be read a second time.

And also another Bill Entituled, An Act for the regulating the Transportation of Furrs Peltry and other Skinns which was read a first time & ordered to be read a second time.

A Bill Entituled, An Act to oblige Thomas Byerley Esqr Late Collr & Receivr Genll of this Colony to Repay severall sums of money misapplyed by him during the time he was Collr & Receiver Genll was presented to the Board & read the first time & ordered to be read a second time.

Att a Councill held att Fort Anne in New Yorke, att 4 Clock in the Afternoon, *this* 26th *of October*, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Coll° SCHUYLER, Mr VAN DAM, Mr WENHAM, Mr MOMPESSON, Mr BARBERIE,

The Bill Entituled, An Act for Preventing All Trade and Commerce with the French of Canada & Regulating the Indian Trade att Albany was read a second time & Committed to this Gent: of this Board now present or any three of them.

The Bill Entituled, An Act for ye Transportacōn of Furrs Peltry & other skinns was Likewise read a second time & committed to the Gent: of this Board now present or any three of them.

The Bill Entituled, An Act to oblige Thomas Byerley Esqr Late Collr & Receivr Genll of the Collony to repay severall sums of money misaplyed by him during the time he was Collr & Receivr Genll was read a second time & committed to the Gent: of this Board now present or any three of them.

Att a Councill held att Fort Anne in New Yorke this 27th *of October*, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Coll° SCHUYLER, Mr WENHAM, Mr MOMPESSON, Mr BARBERIE, Mr PHILLIPS,

Roger Mompesson Esqr Chairman of the Committee to whom the Bill Entituled, An Act for the Better preserving of sundry antient Dutch wills contracts and other writings was committed Reported that they have gone through the said Bill and made severall amendmts thereto which he read in his place and afterwards delivered in att the Board where the same were read & agreed to &

The Bill being read a third time was past with the amendments.

Ordered, that Mr Mompesson do carry the said Bill to the house of Representatives and acquaint them that this Board do agree to the sd Bill with some amendments to which they desire the Concurrence of that house

Mr Van Dam took his place att the Board.

Thomas Wenham Esqr Chairman of the Committee to whom the Bill Entituled, An Act for preventing all Trade and Commerce with the French of Canada and Regulating the Indian Trade att Albany was Committed Reported that they have gone through the said Bill and made some amendments thereto which he read in his Place and afterwards delivered in att the Table where the same were read & agreed to and some other amendments were Likewise made att the Board & agreed to.

Ordered, that the Bill with the amendmts be Ingrossed

Thomas Wenham Esqr Chairman of the Committee to whom the Bill Entituled, An Act for the Regulating ye Transportation of Furrs Peltry and other skinns was Committed Reported that they have gone through the sd Bill & made some amendments thereto which he read in his place and afterwards delivered in att the Table where the same were read & agreed to by the Board

Ordered, that the Bill with the amendments be Engrossed

John Barberie Esqr Chairman of the Committee to whom the Bill Entituled, An Act to oblige Thomas Byerley Esqr Late Coll^{r} & Receiv^{r} Gen^{ll} of this Colony to repay severall sums of money of money (*sic*) misapplyed by him during the time he was Coll^{r} & Receiv^{r} Gen^{ll} was Committed reported that they have gone through the said Bill and made some amendments thereto which he read in his Place and afterwards Delivered in att the Table where the same were read & agreed to by this Board

Ordered, that the Bill wth the amendm^{ts} be Engrossed

Att a Councill held att Fort Anne in New Yorke, att 4 a Clock in the Afternoon, *this* 27th *of October*, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Coll^{o} SCHUYLER, M^{r} VAN DAM, Coll^{o} WENHAM, } Mr MOMPESSON, Mr BARBERIE, }

The Ingrossed Bill Entituled, An Act for preventing all Trade and Commerce wth the French of Canada & Regulating the Indian Trade att Albany was read & Past.

Ordered, that Mr Mompesson do carry the said Bill to the house of Representatives and acquaint them this Board have past the same and Desire their Concurrence thereto.

Mr Phillips took his Place.

The Ingrossed Bill Entituled, An Act for the Regulating the carrying of and Transporting of Furrs Peltry and other Skinns was read a third time and Past.

Ordered, that Mr Mompesson do carry the said Bill to the house of Representatives and acquaint them that this Board have past the same and desire their Concurrence thereto.

The Ingrossed Bill Entituled, An Act to oblige Thomas Byerley Esqr Late Coll^{r} & Receiv^{r} Gen^{ll} of this Colony to repay severall sumes of money misapplyed by him during the time he was Collector and Receiver Gen^{ll} was read a Third time &

The Question being put if the Bill should pass Coll^{o} Schuyler M^{r} van Dam & Mr Wenham were of opinion it should pass. Mr Mompesson, Mr Barberie & Mr Phillips were of opinion it should not pass.

Whereupon this Board being Equally divided his Excellency declared his opinion that it ought to pass.

The reasons for such opinion are these That as to the first sume mentioned in the Bill it is without precedent to allow a Coll^{r} his sallary before he has made known his Commission to the Govr & entered on the Execution of his office; As to the second his Ex^{ly} suspended Mr Byerley from his office of Coll^{r} & Receiver Gen^{ll} of this Province by vertue of the Power and Authority given to him by her Māties Letters Patents under the Broad Seal of England and her Māties Instructions under her signet and sign Manuall and there being a Commissioner appointed to Execute that office during the said Mr Byerley's suspension the Sallary for that time of right belonged to & has been recēd by him & notwithstanding it was my Lords Treārs opinion that he ought not to have been suspended without first acquainting him with it yet being Bound by oaths his Ex^{ly} thinks he should not have discharged his duty had he not suspended him finding him Guilty of the severall frauds he has Committed in the Execution of his office particularly in the Two sumes of seven and Twenty Pounds and five and Twenty Pounds mentioned in the Bill.

Ordered, that Mr Mompesson do carry the said Bill to the house of Representatives & acquaint them that this Board have Past the same & Desire their Concurrence thereto.

Mr Phillips desires to have his reasons for his Dissent to the passing the said Bill Entered which are as follows vizt

That he conceive this Board are not Proper Judges of what ought to be allowed a Coll^{r} or any one Else that Executes that office but that the right thereof is solely Lodged in my Lord Treār. Secondly that hee is Informed Mr Byerley is arrested att the Queens suite for all he has recēd since his Restoration so that he Looks upon it that this would be Prejudging that Cause. Lastly that since he has given Bail to that action and likewise security in England he conceives the Queen cannot be hurt if this Bill does not Pass.

Mr Mompesson desires his Dissent may be Entred for the same Reasons.

Att a Councill held att Fort Anne in New Yorke, this 29th *day of Octob*r, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Collo SCHUYLER, Mr MOMPESSON,
Mr VAN DAM, Mr BARBERIE.
Mr WENHAM,

A Message from the house of Representatives that they have agreed to the amendments made by this Board to the Bill Entituled, An Act for Preventing the Conspiracy of Slaves.

Another Message from the sd house that they have Past a Bill Entituled, An Act for raising a fund for defraying some Extraordinary charges that have happened in this Collony to which they desire the Concurrence of this Board.

Which Bill was read a first time & ordered to be read a second time.

Another Message from the said house that they have past a Bill Entituled, An Act for regulating and Establishing Fees to which they desire the Concurrence of this Board.

Which Bill was read the first time & ordered to be read a second time.

Att a Councill held att Fort Anne in New Yorke, at 4 a clock in the afternoon, *this* 29th *day of October*, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Collo SCHUYLER, Mr MOMPESSON,
Mr VAN DAM, Mr BARBERIE,
Mr WENHAM, Mr PHILLIPS.

The Bill Entituled, An Act for regulating and Establishing Fees read a Second time & Committed to the Gent: of this Board or any three of them.

The Bill Entituled, An Act for raising a fund for defraying Some Extraordinary Charges that have happened in this Colony was read a second time & Committed to the Gent: of this Board or any three of them.

A Message from the house of Representatives that they have past a Bill Entituled, a further Act for the Supervising Intestate Estates Regulating the Probatt of Wills & granting Letters of Administracōn to which they desire the Concurrence of this Board

which Bill was read the first time & ordered to be read a second time

Att a Councill held att Fort Anne in New Yorke this 30th *day of Octob*r, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Collo SCHUYLER, Mr MOMPESSON,
Mr VAN DAM, Mr BARBERIE,
Mr WENHAM, Mr PHILLIPS.

Roger Mompesson Esqr Chairman of the Committee to whom the Bill Entituled, An Act for raising a fund for Defraying Some Extraordinary Charges that have happened in this Collony was Committed Reported from the sd Committee that they have gone through the sd Bill without making any Amendmts thereto

Which Bill was Read a third time and agreed to by this Board.

Ordered, that Mr Mompesson do acquaint the house of Representatives that this Board do agree to the said Bill without any Amendment.

The Bill Entituled, a further Act for Supervising Intestates Estates Regulating the Probatt of Wills and Granting Letters of administracōn was read a Second time & Committed to the Gent: of this Board or any three of them

The Secry having Summoned the house of Representatives to attend his Exly and they being Come his Exly gave his Assent to the following Bills Enacting the Same & ordering them to be Enrolled.

1. An Act for the Explaining An Act Entituled, An Act for the Laying out, Regulating, Clearing & Preserving Publick Common highways throughout this Collony.

2. An Act for Preventing the Conspiracy of Slaves

3. An Act for the Easier Partition of Lands in Joint Tennancy or in Common

4. An Act for raising a fund for Defraying Some Extraordinary charges that have happened in this Collony.

Att a Councill held att Fort Anne In New Yorke, this 18th *day of Novr*, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Mr VAN DAM, Mr MOMPESSON,
Mr WENHAM, Mr BARBERIE.

His Exly Recommended to the Gent of this Board to meet in a Committee on the Bill Entituled, An Act for Regulating and Establishing Fees & on what other Bills are Committed.

Att a Councill held att Fort Anne in New Yorke, this 26th *of Novr*, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Mr VAN DAM, Mr BARBERIE,
Mr WENHAM, Mr PHILLIPS.
Mr MOMPESSON,

Mr Mompesson Esqr Chairman of the Committee to whom the Bill Entituled, An Act for Regulating & Establishing Fees was Committed Reported from the sd Committee that they have gone through the sd Bill and made severall amendments thereto which he read in his Place & afterwards delivered in att the Table where the same were read & agreed to By the Board and the Bill with the amendments being Read a third time is Past.

Ordered, that Mr Mompesson do carry the sd Bill with the amendments to the house of Representatives & acquaint them that this Board have agreed to the sd Bill with some amendmts to which they Desire their Concurrence.

[IN EXECUTIVE SESSION.]

Att a Councill held att Fort Anne in New Yorke, this 27th *Novr*, 1708.

PRESENT — *His Excellency* EDWARD *Viscount* CORNBURY, &c.,

Mr VAN DAM, Mr MOMPESSON,
Mr WENHAM, Mr BARBERIE.

A Proclamation for adjourning the assembly to the first day of March next was signed.

IN COUNCIL, 5 *day of January*, 1708.

PRESENT — *His Excellency* JOHN *Lord* LOVELACE, *Baron of* HURLEY, &c.,

Mr VAN DAM, Mr BARBERIE,
Mr WENHAM, Mr PHILLIPS,
Mr MOMPESSON, Mr PEARTREE.

Ordered, that a Proclamacōn issue declaring the present assembly to be DISSOLVED.
And that Writts issue for the Election of a New Assembly to meet the 10th of March next.

TWELFTH ASSEMBLY FIRST SESSIONS.

Att a Councill held att Fort Anne in New Yorke, this 6th Aprill, 1709.

PRESENT — *His Excellency* JOHN *Lord* LOVELACE, *Baron of* HURLEY, &c.,

COLL° SCHUYLER,
COLL° WENHAM,
Mr MOMPESSON,
Mr BARBERIE,
Mr PHILLIPS.

The Secretary having summoned the assembly to attend his Excellency in the Councill Chamber & they being accordingly come, his Excellency Recommended it to them to choose a Speaker.

Att a Councill held att Fort Anne in New Yorke, this 7th day of Aprill, 1709.

PRESENT — *His Excellency* JOHN *Lord* LOVELACE, *Baron of* HURLEY, &c.,

COLL° SCHUYLER,
Mr BEEKMAN,
Mr VAN DAM,
Mr HEATHCOTE,
Mr WENHAM,
Mr MOMPESSON,
Mr BARBERIE,
Mr PHILLIPS,
Mr PEARTREE.

The Secry having summoned the assembly to attend his Exly in the Councill Chamber, and they being accordingly come presented Mr Nicoll their Speaker whom his Exly approved and all the members took the oaths appointed to be taken instead of the oaths of allegiance and Supremacy, and took & Subscribed the Test & abjuration oath and then made the following Speech to them.

Gent:

I have called you together as Early as you could well meet with conveniency to your selves to consult of those things which are necessary to be done att this time for her Māties services & the good of the Province.

The large Supplyes of Soldiers and Stores of warr for your Support and Defence, together with those necessary Presents for your Indian Neighbours which her Mātie has now sent you att a time when the Charge of the Warr is so great att home, are evident proofs of her particular care of you, and I assure myself they will be Recēd with those Testimonies of Loyalty and Gratitude which such Royal favours Deserve from an obliged and Gratefull People.

I am sorry to find that the Publick Debt of the Province is so great as it is and that the Government here hath so little Creditt, if any att all Left, a Governmt under a Queen as famous for her Prudent and frugal management att home as for her war Like and Glorious actions abroad I cannot in the Least doubt (Gentlemen) But that you will Raise the same Revenue for the same Term of years for the Support of the Governmt as was raised by Act of Assembly in the Eleventh year of the Reigne of the late King William of Glorious memory and I hope you will also find out ways and means to Discharge the Debt that hath been Contracted and allow to the persons concerned a Reasonable Interest till the Principall is Discharged, to that End I desire you to Examine and state the Publick accounts that it may be known what this Debt is and that it may appear hereafter to all the world that it was not Contracted in my time.

I must in particular desire you to Provide for the necessary Repairs of the Fortifications of the Province the Barracks are so small, and so much out of Repair that I have been necessiated to billet the Recruits that came over with me upon this Citty which I am sensible hath been a Burthen to the Inhabitants but I hope you will soon ease them of that Burthen.

The fitting out a good Sloop to attend her Māties men of Warr in their cruizings on this Coast, I take to be so necessary for the preserving your navigation, that I expect you will find out a Proper method to defray that charge, I am willing my Sallary should be Taxed, that I may pay my Quota to so usefull a service.

I think myself obliged further to recommend to your consideracōn how to prevent the Exportation of the Gold and Silver Coyn out of the Province Least in a short time your Trade should suffer for want thereof.

The Queen hath nothing more att heart than the Prosperity of her Subjects I shall approve myselfe to her Mãtie in pursuing those methods that will best conduce to that End. It shall be my constant care to Promote Peace and union amongst you to Encourage you in your Trade and to Protect you in the Possession, Your Just Rights and Priveledges.

After his Ex^ly made his Speech the Speaker Desired that their usuall priveledges may be preserved to them which his Ex^ly promised them accordingly.

Att a Councill held att Fort Anne in New Yorke this 14th *day of Aprill*, 1709.

PRESENT — *His Excellency* JOHN *Lord* LOVELACE, *Baron of* HURLEY, &c.,

Mr BEECKMAN,
M^r VAN DAM,
Coll^o HEATHCOTE,
Coll^o WENHAM,
Mr BARBERIE,
Coll^o PEARTREE,
Capt PROVOST.

His Ex^ly acquainted this Board that he has Recẽd from the house of Representatives a Bill Entituled, An Act to Releive Assessors to which they Desire the Concurrence of this Board which Bill was Read the first time & ordered to be read a second time.

Att a Councill held att Fort Anne in New Yorke, this 19th *of Aprill*, 1709.

PRESENT — *His Excellency* JOHN *Lord* LOVELACE, *Baron of* HURLEY, &c.,

Coll: SCHUYLER,
Coll. BEECKMAN,
M^r VAN DAM,
Coll^o HEATHCOTE,
Mr RENSLAER,
Mr MOMPESSON,
Mr PHILLIPS.

His Ex^ly acquainted this Board that he has Recẽd from the house of Representatives a Bill Entituled, An Act to prevent the Exportation of the Gold and Silver Coin out of this Collony to which they Desire the Concurrence of this Board.

Which Bill was Read the first time & ordered to be Read a second time.

The Bill Entituled, An Act to Releive Assessors was Read the second time & Committed to the Gent: of this Board, or any three of them.

Att a Councill held att Fort Anne in New Yorke, this 20th *day of Aprill*, 1709.

PRESENT — *His Excellency* JOHN *Lord* LOVELACE, *Baron of* HURLEY, &c.,

Coll: SCHUYLER,
Coll: WENHAM,
Mr RANSLAER,
Mr MOMPESSON,
Mr BARBERIE,
Mr PHILLIPS,
Capt. PROVOOST.

Ordered, that Mr Ranslaer do go to the house of Representatives and acquaint them that this Board have Recẽd advice that the Five Nations of Indians and the Waganhaes are now Goeing to Enter on a Treaty of Peace on consideration whereof this Board are of opinion that it is very necessary to send some Person to be present at the Said treaty to Endeavour to Procure a Free Trade with the Said Waganhaes Indians which they Conceive will very much conduce to the advantage of this Province and have therefore taken measures accordingly and ordered some presents out of those his Excellency brought wth him to be sent to the Said Indians But that the charge of the said Journey will likewise Require a Supply of Fifty pounds in money which this Board desires the said house to take into their consideracõns & provide for the payment thereof

The Bill Entituled, An Act to Prevent the Exportation of the Gold and Silver Coin out of this Colony was read a Second time and Committed to the Gent: of this Board or any three of them

Att a Councill held att Fort Anne in New Yorke this 26th *day of Aprill*, 1709.

PRESENT — *His Excellency* JOHN *Lord* LOVELACE, *Baron of* HURLEY, &c.,

Coll: SCHUYLER,
Mr VAN DAM,
Coll: WENHAM,
Mr RANSLAER,
Mr BARBERIE,
Coll: PEARTREE.

Ordered, that the Gent: of this Board or any Five of them do Prepare and bring in a Bill to prevent the Disertion of the Seamen from her Mäties Ships of Warr in this Province

Att a Councill held at Fort Anne in New Yorke, this 10th *day of May*, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBEY Esqr, Lieutenant Governour,

Coll : SCHUYLER,
Coll : HEATHCOTE,
Coll : WENHAM,
Mr MOMPESSON,
Mr BARBERIE,
Coll PEARTREE,
Capt PROVOST.

The Secry having Summoned the Assembly to attend his honour they Came Accordingly then his Honour made the following Speech to them vizt

Gentlemen,

My Lord Lovelace being dead and ye Governmt thereby devolved on me I have sent you to recōmend to ye Consideration his Exlys Speech att ye beginning of ye Sessions wherein I find he has taken notice of those things wch I conceive are att present necessary to be provided for by you if there be anything further wch you shall Judge necessary for her Majestys Service & ye Good of ye Country I Shall be ready to Concurr wth you therein.

Att a Councill held att Fort Anne in New Yorke, this 14th *of May*, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBEY Esqr, Lieutenant Governour,

Coll : SCHUYLER,
Coll : WENHAM,
Mr BARBERIE,
Coll : PEARTREE,
Capt PROVOST.

A Message from the Assembly with a Bill Entituled, An Act for the better Settlement & assurance of Lands in this Colony to which they desire the Concurrence of this Board which Bill was Read the first time & ordered to be Read a Second time

A Message from the Assembly with a Bill Entituled, An Act for Regulating & Establishing Fees to which they Desire the Concurrence of this Board which Bill was read the first time & ordered to be read a Second time

A Message from the house of Representatives with a Bill Entituled, An Act for further Supervising Intestates Estates relating to Probatt of Wills & Granting Letters of administracōn to which they Desire the Concurrence of this Board

Which Bill was read the first time and ordered to be read a second time.

Att a Councill held att Fort Anne in New Yorke this 17th *day of May*, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY, Esqr Lieutenant Governour.

Coll : SCHUYLER,
Coll : WENHAM,
Mr BARBERIE,
Mr PHILLIPS,
Coll : PEARTREE,
Capt PROVOST.

Coll : Vetch & Coll : Nicholson being seated att the Board Coll : Vetch communicated to the Govr & Councill her Mäties Instructions to him with relation to the Expedition against Canada which were read and Coll : Vetch Promised the Leivt Govr the same should be Recorded here and after some Debate on the Premises the Assembly was sent for and having accordingly attended the Queens Letter to the Govr of this Province her Mäties said Instructions to Coll :

Vetch and severall other Papers relating to the matters aforesaid were Read to the Assembly and Delivered to the Speaker for the Inspection & Guide to the house who were desired to give all Possible Dispatch to the matters Required of this Province Coll: Vetch & Coll: Nicholson Likewise Informed them that the Governm^t of Massachusetts Bay Rhoad Island and Connecticutt have alredy fully complyed with her Māties Instruccōns relating to their respective premisses and have shown such a zeal and readiness therein that they have Exceeded Even what was Required of them & have addressed her Mātie Expressing their Gratefull thanks for her Māties eare of them

Ordered, that the Gent: of the Councill now present or any three of them (whereof Coll: Schuyler to be one) be a Committee to Conferr with a Committee of the house of Representatives on the matters afores^d

Ordered, that Mr Provost do acquaint the house of Representatives that a Committee of this Board do desire a Conference with a Committee of their house in the Councill Chamber att Four a clock this afternoon on the subject matter of the affairs communicated to them this morning

Ordered, that Coll: Rednap do attend the said Committee this afternoon who is also ordered to Go as Engineer on this Land Expedition and that he take Charge of the stores sent by her Mātie for the said Expedition (the same being brought hither from Rhode Island) and give Coll^o Vetch a Receipt for the same.

Att a Councill held att Fort Anne in New Yorke this 18th *day of May*, 1709.

PRESENT— *The Honoble* RICH^D INGOLDESBEY, Esqr Lieutenant Governour.

Coll: SCHUYLER,
Coll: WENHAM,
Mr BARBERIE,
Mr PHILLIPS,
Coll: PEARTREE,
Capt PROVOST.

Coll: Nicholson and Coll: Vetch being seated att the Board the matters that were yesterday concerted by a Committee of both houses were read & agreed to by the Board

Ordered, that the Committee in the afternoon be acquainted that 'twill be Proper a Letter be Immediately writt and sent to the managers of the Indian affairs att Albany to send John and Abraham Schuyler or one of them or such other Persons as they shall Judge Proper with a Belt of Wampum to the Five Nations of Indians to Bring them Down forthwith to Albany Especially their young men with their Sachims and to take the Interpreter & to Bring down or secure the Priests and that this Letter be writt and Instructions Drawn up & communicated to the Committee in the afternoon.

At a Councill held att Fort Anne in New York, this 19th *Day of May*, 1709.

PRESENT— *The Honoble* RICHARD INGOLDSBY, Esqr, Lieutenant Governour,

Coll: SCHUYLER,
Coll: HEATHCOTE,
Coll: WENHAM,
Mr MOMPESSION,
Mr BARBARIE,
Mr PHILLIPSE,
Coll: PARETREE,
Capt PROVOST.

The Bill Entituled, An Act for Regulateing & Establishing fees was read the Second time and Committed to the Gentlemen of this Board or any five of them.

The Bill Entituled further Act for supervising Intestate Estates Regulateing the Probate of Wills and Granting Letters of administration was read the second time and Committed to the Gent of this Board or any five of them.

The Bill Entituled, An Act for the Better Settlement and assurerance of Lands in this Colony was read the second time and Committed to the Gentlemen of this Board or any five of them.

Coll: Nicholson & Coll: Vetch being Seated at the Board Mr Schuyler brought from the assembly the Letter framed yesterday for the managers of the Indians affairs & ye Instructions to be Given to the persons to be sent to the five Nations whereto ye assembly do agree wch being read att this Board are ordered to be Copyed fair and signed.

A Letter to be writt to Coll: Rutsen and Coll: D'Myre to cause all the Mininsink & other Indians thereabouts to be sent forthw^th to Albany.

Ordered, y^t Capt Bond do Deliver to the Commissioners for manageing the necessarys for this Expedition such Quantitys of Stores out of this Garrison as they shall Demand takeing their Receipt for the same.

Ordered, y^t the Comm^rs for manageing the necessarys for this Expedition do forthw^th send up to Albany a sufficient Quantity of stores provisions and all other things necessary for six hundred men together wth Carpenters and all materials necessary for building store houses & Boats and makeing Canoes.

Att a Councill held att Fort Anne in New York, this 20th day of May, 1709.

PRESENT — *The Honoble* RICHARD INGOLDSBY, Esqr, Lieutenant Governour and Commander in Chief,

Coll: SCHUYLER,
Mr BEEKMAN,
Coll: HEATHCOTE,
Coll: WENHAM,
Mr MOMPESSON,
Mr BARBERIE,
Mr PHILLIPSE,
Coll: PARETREE,
Capt PROVOST.

Ordered, y^t Coll Heathcote & Mr Mompesson do prepare and bring in a Bill to prevent the selling or giving any Rum or any others sorts of strong liquors to any Indian in the County of Albany.

Att a Councill held att Fort Anne in New Yorke, this 21st day of May, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBEY, Esqr Lieutenant Governour,

Coll^o SCHUYLER,
M^r VAN DAM,
Coll: HEATHCOTE,
Coll: WENHAM,
Mr RENSLAER,
Mr MOMPESSON,
Mr BARBERIE,
Mr PHILLIPS,
Coll^o PEARTREE,
Capt PROVOST.

Coll^o Nicholson, Coll^o Vetch, Coll: Gookin & Coll: Saltonstall Being Seated att the Board, Coll^o Schuyler Communicated a Letter (not Signed) but by him said to be writt to him by a Priest in Canada about some Prisoners which they have of the English & which the Government of Massachusets Bay has of theirs

Q Coll^o Saltonstall was acquainted with the measur's y^t have been taken here in Relation to the Expedition & he together with this Board Did again Desire Coll: Nicholson to take upon him the Command of this army designed to march by Land telling him that they would Concurr in such further application to him as they hoped would Prevail with him to take the said Command, to which Coll^o Nicholson again answered that he offered his services to the Queen to assist in the Expedition but not to Command yet if the Govr & Councill here and the Governm^t of Connecticutt and Pinsilvania Did think it would be absolutely necessary to the Expedition that he should Command it if they would make knowne to him their Desires in such a manner as might appear in England and he had a Command to be accountable only to a Superior Officer appointed by the Queen he would give them a further answer

Coll: Schuyler said Coll^o Nicholsons taking this Command would be a very great Encouragement to the Indians who would readily go und^r his Comānd that he himself would go under his Command but would not Go otherwise

Coll^o Heathcote & Mr Mompesson brought in a Bill Entituled, An Act to Prevent Selling or Giving of Rum or other Strong Liquors to the Indians in the County of Albany

Which Bill was by order Read twice & Committed to the Gent: of this Board or any Five of them

A Message from the house of Representatives that they have Past Two Bills one Entituled, An Act to prevent the Transportation of Provisions the other Entituled, An Act for Levying Six Thousand Pounds

Which Bill were by order read Twice & Committed to the Gentlemen of this Board or any Five of them

Att a Councill held at Fort Anne in New York, this 21st *day of May*, 1709, in the Afternoon.

PRESENT — *The Honoble* RICHARD INGOLDSBY Esqr, Lieutenant Governour &

Collo SCHUYLER,
Collo HEATHCOTE,
Mr VANDAM,
Collo WENHAM,
Mr RENSELEAR,
Mr MOMPESSON,
Mr BARBARIE,
Collo PARETREE,
Capt PROVOST.

Collo Heathcote Esqr Reported the Bill Entituled, An Act to prevent Selling or giveing of rum or other Strong liequors to the Indians in the County of Albany wthout amendments

Ordered, yt the Bill be Engrost

Roger Mompession Esqr reported the Bill Entituled, An Act for Levying Six thousand pounds wth out amendment wch Bill was read the third time.

Ordered, yt Capt Provost Do Carry the sd Bill to the Assembly and Acquaint them yt this Board do agree to the Same wthout any amendmt

Coll Wenham Reported the Bill Entituled, An Act to prevent the transportation of Provisions wth some amendments wch with ye same was read a third time & agreed wth the amendments by a Councill

Ordered, that do carry the sd Bill to the Assembly and acquaint them that this Board do agree to the sd Bill wth some amendments to wch they desire the concurrence of yt house.

The Ingrossed Bill Entituled, An Act to prevent the selling and giving of rum or other strong liquors to the Indians was read 2d third time & past.

Ordered, yt Coll: Heathcote do carry ye said Bill to the Assembly and acquaint them yt this Board have past the sd Bill and desire their Concurrence thereto.

At a Councill held a ffort Anne in New York this 23th *day of May*, 1709.

PRESENT — *The Honoble* RICHARD INGOLDSBY, Esqr Lieutenant Governour,

Collo SCHUYLER,
M VAN DAM,
Collo HEATHCOTE,
Collo WENHAM,
Mr RENSELAER,
Mr MOMPESSION,
Mr BARBARIE,
Mr PHILLIPSE,
Collo PARETREE,
& Capt PROVOST.

Upon Reading the Petition of Direk Amerman and Tunis Johnson praying to be releived against a bond put in suite for fishing at Rockaway Beach

Ordered, that Lewis Wood, John Autre Junr and the Trustees for the town of Jamaica do appear before this Board on Thursday next.

Att a Councill held att Fort Anne in New York this 23th *of May*, 1709.

PREST — *The Honoble* RICHARD INGOLDESBY, Esqr Lieutenant Governour,

Collo SCHUYLER,
Mr VAN DAM,
Collo HEATHCOTE,
Collo WENHAM,
Mr RENSLEAR,
Mr MOMPESSON,
Mr BARBARIE,
Coll: PARETREE,
Capt PROVOST.

A Message from the Assembly that they have agreed to the Amendment made by this Board to the Bill Entituled, An Act to prevent the Transportation of Provisions but yt they disagree to the second amendmt but instead thereof have made another amendmt which was read & agreed to by this Board.

Ordered, ye Bill wth the said amendmts be past.

Att a Councill held att Fort Anne in New York this 24th *Day of May*, 1709.

PRESENT — *The Honoble* RICHARD INGOLDSBY, Lieutenant Governour,

Coll SCHUYLER,
Coll HEATHCOTE,
Mr RENSLEAR,
Coll WENHAM,
Mr BARBERIE,
Coll PEARTREE.

Collo Wenham Reported from ye Committee to whom the Bill Entituled, An Act for Regulating and Establishing fees was Committed yt they have gone through the said Bill without any amendment.

The Petition of John Rayner Esqr praying to have a copy of the sd Bill and to be heard thereto before it pass was read & ordered to lye on the Table.

Ordered, yt ye Bill be read a third time wch being done it is

Resolved, yt the Bill pass.

Ordered, yt Coll Wenham do acquaint the assembly yt this Board do agree to ye sd Bill wth out any amendment.

Ordered, yt Coll Wenham do acquaint the assembly yt this Board do agree to the amendment made by them to the Bill Entituled, An Act to prevent the Transportation of Provisions.

The Leivt Govr gave his assent to An Act for regulating and Establishing fees.

An Act for Levying six thousand pounds.

An Act to prevent selling or giving of rum or other strong liquors to the Indians in the County of Albany.

An Act to prevent the transportation of Provisions.

Att a Councill held at Fort Anne in New York, this 3d *Day of June*, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY, Esqr, Lieutenant Governour,

Coll BEEKMAN,
Coll WENHAM,
Mr RENSLEAR,
Mr BARBARIE,
Mr PHILLIPSE,
Collo PARETREE,
Capt PROVOST.

The Bill Entituled, An Act for Levying an Excise on all Liquors Retailed in this Colony was read Twice and Committed to the Gentlemen of this Board or any five of them.

At a Councill held att Fort Anne in New York, this 4th *Day of June*, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY, Esqr, Lieutenant Governor,

Mr VAN DAM,
Collo WENHAM,
Mr RENSLEAR,
Mr BARBARIE,
Collo PARETREE,
Capt PROVOST.

The Bill Entituled, An Act to Detach four hundred & Eighty seven men their officers Included out of this Collony being sent up from ye assembly was read Twice & Committed to ye Gentlemen of this Board or any five of them.

At a Councill held at New York, this 6th *Day of June*, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY, Esqr, Lieutenant Governour,

Mr BEEKMAN,
Mr VAN DAM,
Coll WENHAM,
Coll RENSLEAR,
Mr BARBARIE,
Mr PHILLIPSE,
Coll PARETREE,
Capt PROVOST.

Thomas Wenham Esqr Chairman of the Committee to whom the Bill Entituled, An Act to Detach four hundred and Eighty Seven men their Officers included out of this Colony was Committed Reported yt they have gone through ye Bill & made Severall Amendments thereto wch were Read and agreed to

And ye Bill being read a third time wth ye Amendments is past.

Ordered, y^t Coll^o Wenham do Carry the Said Bill to ye Assembly and acquaint them y^t this Board do agree to ye Said Bill wth Some Amendm^ts to wch they Desire ye Concurrence of y^t house

At a *Councill held in New York, this* 6th *Day of June*, 1709, in ye Afternoon.

PRESENT — *The Honoble* RICHARD INGOLDESBY Esqr, Lieutenant Governour,

Mr BEECKMAN,
M^r VAN DAM,
Coll WENHAM,
Mr RENSELEAR,
Mr BARBARIE,
Coll: PARETREE,
Capt PROVOST.

Resolved, y^t this Board do adhere to all their Amendments made by them to the Bill Entituled, An Act to Detach four hundred Eighty Seven men their officers inclosed out of this Colony

Ordered, y^t Capt Provost do desire a Conference with ye Assembly Immediately at the Coffee house on the Subject matter of ye Amendments made by them to the S^d Bill

At a Councill held in New York, this 7th *day of June*, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY Esqr Lieutenant Governour,

M^r VAN DAM,
Coll WENHAM,
Mr RENSLEAR,
Mr BARBERIE,
Coll PARETREE,
Capt PROVOST.

This Board do appoint the Conferrence desired by ye Assembly on the Subject matter of ye Last Conferrence to be Immediately at the Coffee house

And that Mr Barberie acquaint the Assembly therewith

Ordered, y^t Capt Provost do go to the Assembly and desire a free Conferrence wth them at four a clock this afternoon at the Coffee house on ye Subject matter of ye last Conferrence

At a Councill held at New York, this 7th *day of June*, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY Esqr, Lieutenant Governour,

M^r VAN DAM,
Coll^o WENHAM,
Mr BAREBARIE,
Mr PHILLIPS,
Coll^o PARETREE,
Capt PROVOST.

Coll^o Wenham from the Comittee appointed for a free Conferrence on ye Subject matter of ye 4th 11th 13th Amendm^ts made by them to the Bill Entituled, An Act to Detach four Hundred and Eighty Seven men their officers in Cluded in this Colony Reported the Subject matter of ye s^d free Conference and finding y^t they Could not gain the Committee of ye Assembly to agree to the said Amendments.

This Board do *Resolve* to p^rvent the delay & obstructions y^t will naturely arrise to this Expedition by not receding from ye s^d amendments y^t they do recede from ye said 4th 11th & 13th amendm^ts and y^t Mr Van Dam do acquaint ye Assembly therew^th.

The Leiv^t Govr assented to the Bill Entituled, An Act to Detach four hundred Eighty seven men their officers included in this Colony the Assembly being present

At a Councill held at Fort Anne in New York this 8th *day of June*, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY, Esqr Lieutenant Governour,

Coll WENHAM, Mr MOMPESSON, Mr BARBERIE, Coll PARETREE, Capt PROVOST,

Coll Wenham reported from ye Cõmittee to whom ye Bill Entituled, An Act for Laying an Excise on all Liquors retailed in this Colony was Committed yt they have gone through ye sd Bill wthout any amendment.

Which Bill was Read a third time and past.

Ordered, yt Coll: Wenham do acquaint the Assembly yt this house do agree to ye said Bill without any amendment

A Bill from ye Assembly Entituled, An Act for the Currency of Bills of Credit for five thousand pounds

Which Bill was Read twice Committed to the Gentlemen of this Board or any five of them

Coll Wenham reported from the Committee to whom the Bill Entituled, An Act for the Currency of Bills of Creditts for five thousand Pounds was Committed Reported yt they have gone through the said Bill without any amendmt

Which Bill was Read a third time and past

Mr Van Dam took his place

Ordered, yt Coll Wenham do acquaint the Assembly that this Board to agree to ye sd Bill without any amendmt

At a Councill held at New York this 8th *day of June*, 1709, in ye afternoon.

PRESENT — *The Honoble* RICHARD INGOLDESBY, Esqr Lieutenant Governour,

Coll WENHAM, Mr MOMPESSON, Mr BARBARIEE, Coll PARTREE, Capt PROVOST,

The Assembly being prsent ye Livt Govr gave his assent to the following Bills

An Act for Laying an Excise on all liequors Retailed in this Colony

An Act for the Currency of Bills of Credit for five thousand pounds.

At a Councill held in New York this 20th *day of June*, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY, Esqr, Lieutenant Governour,

Mr VAN DAM, Coll WENHAM, Mr MOMPESSON, Mr BARBERIE, Coll PEARTREE, Capt PROVOST.

The Bill Entituled, An Act for Levying four thousand pounds haveing been Read Twice was Committed to the Gentlemen of this Board or any five of them.

Mr Mompesson from the Committee to whom ye said Bill was Comitted reported the same without any amendment.

Ordered, yt the said Bill be read a third time.

The said Bill being read a Third time is past wthout any amendments.

Ordered, yt Mr Mompesson do acquaint the assembly that this Board do agree to the Bill Entituled, An Act for Levying four Thousand pounds without any amendment.

Capt Provost reported from the Committee to whom the Bill Entituled, An Act to Releive assessors was Committed that they have gone through the said Bill and made an amendment thereto.

Which Bill was read a Third time with the amendment and past.

Ordered, yt Capt Provost do carry the said Bill to the assembly and acquaint them that this Board do agree to ye sd Bill with one amendment to which they desire the Concurrence of that house.

At a Councill held at New York, this 21st *day of June*, 1709.

PRESENT— *The Honoble* RICHARD INGOLDESBY, Esqr, Lieutenant Governour,

Mr VAN DAM,
Coll WENHAM,
Mr MOMPESSON,
Mr BARBERIE,
Mr PHILIPSE,
Coll PARETREE,
Capt PROVOST.

Ordered, that Mr Wenham do goe to the assembly and desire them to joyn with this Board in an address to her Majesty and that they appoint a Committee to meet a Committee of this Board to draw up the same.

Ordered, that Mr Van Dam, Coll Wenham, Mr Barberie, Mr Philipse and Capt Provost or any Three of them be a Committee for that purpose.

Ordered, that Colonell Wenham do desire the house of Representatives to joyn with this Board in a Request to Capt Gordon of her Majestys ship Lawestaffe to stay fourteen days whereby the Governmt may be able to Transmitt to her Majesty an account of their proceedings with Relation to the Expedition & an address & that they appoint a Committee for yt purpose to join with a Committee of this Board which is ye Same before appointed

Mr Barberie Reported from the Comittee to whom the Bill Entituled, An Act for the Beter Settlement & Assureance of Lands in this Colony was Committed yt they have gone through the said Bill & made Some Amendments thereto which Being Read were agreed to by this Board.

The Cheife Justice haveing proposed another amendment it is agreed to and is as followeth

Page the 2d line the 5th after the word [notwithstanding] add these words [*Saveing her Majestys Right*].

The Governour assented to these Bills following the assembly being present.

An Act for Levying four Thousand pounds.

An Act to Releive Assessors.

Ordered, that Mr Van Dam Do go to the Assembly and desire them to provide for and settle a Post from Albany to West field for holding a Correspondence Between Boston & Albany for the service of the present Expedition the Province of Massachusets Bay haveing already settled a Post from Boston to West field.

Att a Councill held in New York this 23d *day of June*, 1709.

In the absence of the Lieutenant Governour

PRESENT—

Mr VAN DAM,
Coll WENHAM,
Mr BARBERIE,
Coll PEARTREE,
Capt PROVOST.

Coll Wenham being absent

Ordered, that Capt Provost do desire the Assembly to appoint a Comittee of their house to meet a Comittee of this Board att five a Clock this afternoon in the Court Room att the City hall to Conferr about Severall matters Relateing to the Present Expedition Any three of this Board to be a Committee for that purpose.

Att a Councill held in New York this 25th *day of June*, 1709.

In the absence of the Lieutenant Governour

PRESENT—

Mr VAN DAM,
Coll WENHAM,
Mr BAREBERIE,
Mr PHILIPSE,
Coll PEARTREE,
Capt PROVOST.

Ordered, that Capt Provost do go to the Assembly and acquaint them that this Board do desire a Conferrence with them Immedeatly at the Coffee house concerning their adjourning till August next before they do adjourn till that time her Majestys Especiall service requireing Such a Conferrence therein

[In Executive Session.]

At a Councill held in New York this 18th *day of August*, 1709.

Present — *The Honoble* Richard Ingoldesby, Esqr, Lieutenant Governour,

Collo Beekman,
Collo Wenham,
Mr Mompesson,
Mr Barberie,
Mr Philipse,
Collo Paretree,
Capt Provost.

The Levt Govr acquainted this Board that yesterday the Speaker was with him and acquainted him that there were not enought of the Assembly in Town to make a house and desireing his honour to adjourn them for a fortnight he recommend the Same to this Board for their opinion therein who advise his honour to adjourn them for a fortnight

Whereupon it is

Ordered, yt a Proclamation be Issued for adjourning the assembly to Thursday ye first day of Septembr next.

TWELFTH ASSEMBLY SECOND SESSIONS.

Att a Councill held in New York, this 8th *day of Septembr*, 1709.

Present — *The Honoble* Richard Ingoldesby, Esqr, Lieutenant Governour,

Collo Beekman,
Mr Van Dam,
Collo Wenham,
Mr Mompesson,
Mr Philipse,
Capt Provost.

The Bill Entituled, An Act to prevent the Removeall of Actions of Twenty Pounds from the Mayors Court of New York & other Courts was Read the first time and ordered to be Read a Second time.

Att a Councill held att New York, this 12th *day of September*, 1709.

Present — *The Honoble* Lieutenant Governour,

R. Van Dam,
R. Mompesson,
J. Barberie,
Adolph Phillipse, } Esqrs

Collo Paretree,
Capt Provost, } Esqrs

This Board do Recommed to the Assembly the account of Mr Thomas Cockerill for Messengers and necessarys for them sent to the five Nations on the Treaty of Peace between them and the Waganaes that house haveing resolved to provide fifty Pounds for the payment thereof.

At a Councill held att New York, this 15th *day of Septembr*, 1709.

Present — *The Honoble* Richard Ingoldesby, Esqr, Lieutenant Governour,

Mr Beekman,
Mr Van Dam,
Mr Mompesson,
Mr Philipse,
Collo Paretree,
Capt Provost.

The Bill Entituled, An Act for Reviving An Act of Genll Assembly entituled, An Act for ye Better Settling the Militia of this Province & makeing it more usefull for the Security & Defence thereof being Read Twice was Committed to the Gentlemen of this Board or any five of them.

Ordered, y^t^ Mr Van Dam do carry to the house of Representatives the Bill Entituled, An Act for the Bett^r^ Setlem^t^ & Assureance of Land in this Colony and acquaint them that this Board do agree to ye same with some amendm^ts^ to wch they desire the Concurrence of that house.

Ordered, y Mr Van Dam do carry to the assembly severall Letters and other Papers recēd by the Lev^t^ Govr from the Camp att the Wood Creek and other places towards the ffrontiers and acquaint them that his honour has sent them to them for their perusall.

The Bill Entituled, An Act to Prevent the Removall of actions of Twenty pounds from the Mayors Court of New York & other Courts was Read a Second time and Committed to the Gentl of this Board or any five of them.

Att a Councill held in New York, this 16th *day of Septemb^r^*, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY, Esqr, Lieutenant Governour,

M^r^ VAN DAM, Mr MOMPESSON, Mr PHILLIPSE, Coll^o^ PEARTREE, Capt PROVOST.

Rip Van Dam Esqr Chairman of the Committee to whom the Bill Entituled, An Act for Reviving An Act of Generall Assembly Entituled, An Act for the Better Setling ye Militia of this Province and makeing it more usefull for the Security and Defence thereof was Committed Reports that they have Gone through the said Bill and made some amendments thereto which were read & agreed to.

And the Bill being read the third time is past with amendm^ts^

Ordered, y^t^ Mr Van Dam do carry the said Bill with ye amendments to the house of Representatives and desire their Concurrence thereto

*At a Councill held in New York y^e^* 19th *day of September, Anno Dom*, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY, Esqr Lieutenant Governour,

RIP VAN DAM, ROGER MOMPESSON, ADOLPH PHILLIPSE, } Esq^rs^ WILLIAM PARETREE, DAVID PROVOST.

A Message was brought by Mr Tallman from ye Assembly that the house had agreed to ye amendm^ts^ made by this house to the Bill Entituled, An Act for Reviving An Act of Gen^ll^ Assembly Entituled An Act for ye Better Settleing the Militia of this Province & makeing it more usefull for ye security of ye Defence thereof.

*Att a Councill held in New York y^e^* 20th *day of September, Anno Dom*, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY, Esqr Lieutenant Governour,

RIP VAN DAM, ROGER MOMPESSON, ADOLPH PHILLIPS, } WILLIAM PARETREE, DAVID PROVOST.

Ordered, Mr Secretary acquaint ye Assembly that his Honour Y^e^ Lev^t^ Govr desires the attendence of y^t^ house in order to Publish An Act of Assembly Entituled An Act for Reviving An Act of Gen^ll^ Assembly Entitled An Act for the bett^r^ Settleing the Militia of this Province & makeing it more usefull for the security & Defence thereof the house attended accordingly & the Lt Govr Gave his Assent to the said Act which was forthwith Published in ye usuall manner.

The Assembly presented an Address to his Honour for Recalling ye forces from the fronteers &c

Att a Councill held att New York on Wensday ye 21st day of Septemb^r, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY, Esqr Lieutenant Governour,

RIP VAN DAM, WILLIAM PEARTREE,
ROGER MOMPESSON, DAVID PROVOST.
ADOLPH PHILIPSE,

A Bill Entituled, An Act to Enable Justices of ye Peace to Chuse Assessors & Collectors in Case of Death was read Twice & Committed to ye Gent of ye Board or any five of them

A Bill Entituled, An Act for laying Duty on the Tonnage of Vessells & Slaves was read Twice & Committed to ye Gentlemen of this Board or any five of them

Att a Councill held att New York on Thursday ye 22^d of September, Anno Dom., 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY, Esqr Lieutenant Governor,

GERRORDUS BEEKMAN, } Esq^rs WILLIAM PARETREE,
ROGER MOMPESSON, DAVID PROVOST,
ADOLPH PHILLIPSE, RIP VAN DAM.

A Message from ye house by Mr Hardenbrook acquainting this Board y^t the house have appointed a Comittee in Conjunction with a Comittee of this Board on the Subject matter of their Message

Ordered, y^t the Gent of this Board or any five of them be a Comittee in a Conjunction with ye Comittee of ye house to Conferr on ye Subject Matter of ye said Message to Meet this afternoon att ye New Coffee house at four a clock &

Ordered, that Mr Provost carry ye said Message to thee

Att a Councill held in New York this 24th day of Septemb^r, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY, Esqr Lieutenant Governour,

M^r VAN DAM, } Coll^o PARETREE,
Mr MOMPESSON, Capt PROVOST.
Mr PHILLIPSE,

Mr Provost reported from the Committee to whom the Bill Entituled An Act to prevent ye Exportation of ye Gold & Silver Coin out of this Colony was Committed that they have gone through ye said Bill & made severall amendm^ts thereto which were Read and agreed to by the Board and

The Bill being read a third time is past with the amendments

Ordered, that Capt Provost do carry ye said Bill with the Amendments to the Assembly and desire their Concurrence thereto.

Mr Van Dam reported from the Comittee to whom the Bill Entituled An Act for Laying a Duty on the Tonnage of Vessells and Slaves was Comitted that they have gone through ye said Bill without any amendm^t

Which Bill was read a third time & agreed to By the Board

Ordered, y^t Mr Provost do acquaint the Assembly that this Board do agree to ye s^d Bill without any amendment

Mr Mompesson reported from the Committee to whom the Bill Entituled, An Act to Enable the Justices of ye Peace to Chuse Assessors & Colectors in case of Death that they have gone through the said Bill without any amendment

Which Bill being Read a Third time is agreed to without amendm^t

Ordered, that Mr Provost do acquaint the Assembly that this Board do agree to ye said Bill without any amendment

The Secry *Ordered* to Command the attendance of the Assembly here immediately

A Message from the Assembly that they agree to the amendments made by this Board to the Bill Entituled, An Act to prevent the Exportation of ye Gold and Silver Coin out of this Colony

The Assembly being come his honour assented to these two following Bills

An Act for Laying a Duty on the Tonnage of Vessells & Slaves

An Act to Enable the Justices of the Peace to Chuse Assessors & Collectors in Case of Death

An Act to prevent the Exportation of ye Gold & Silver Coin out of this Colony.

A Message from the Assembly thatt they have pased a Bill Entituled, An Actt for Reviving An Actt for Encourageing of Seamen

Which Bill was read twice and Comitteed to the Gentlemen of this Board or any five of them.

Att a Councill held att New York, this 26th day of Septemb^r, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY, Esqr Lieutenant Governour,

M^r VAN DAM, Mr MOMPESSON, Mr PHILLIPSE, — Col^o PARETREE, Capt PROVOST.

The Bill Entituled, An Act Confirming a Certain Grant made to the Rector and Inhabitants of ye City of New York in Communion of ye Church of England as by Law Established being read Twice is Committed to the Gentlemen of this Board or any five of them.

Att a Councill held in New York this 6th day of October 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY Esqr, Lieutenant Governour,

M^r VAN DAM, Coll^o HEATHCOTE, Mr BARBERIE, — Coll^o PARETREE, Capt PROVOST.

Coll^o Heathcote Reported from the Committee to whom the Bill Entituled, An Act Confirming a Certain Grant made to the Rector & Inhabitants of ye City of New York in Comunion of the Church of England as by Law established was Committed that they have gone through the said Bill without any Amendment

Which being read a third time is past

Ordered that Coll^o Heathcote do carry the s^d Bill to the Assembly and desire their Concurrence thereto

Coll^o Heathcote Reported from the Committee to whom the Bill Entituled, An Act for Reviving An Act for Encouraging of Seamen was Comitted that they have gone through the said Bill without any Amendment which Bill being read a third time is past

Ordered, y^t Coll^o Heathcote do acquaint the Assembly y^t this Board do agree to the said Bill without any Amendment

Capt Provost Reported from the Comittee to whom the Bill Entituled An Act to Prevent the Removeall of Actions of Twenty Pounds from ye Mayors Court of New York and other Courts was Committed, Reported that they have gone through the said Bill without any Amendm^t

Which Bill being Read a Third time is past without any Amendment

Ordered, y^t Capt Provost do Acquaint the Assembly that this Board do agree to the said Bill without any amendment.

Att a Councill held in New York this 8th day of October 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY Esqr, Lieutenant Governour,

M^r VAN DAM, Coll^o HEATHCOTE, Mr MOMPESSON, — Mr BARBERIE, Capt PROVOST.

A Message from the Assembly by Mr Johnson that they have pased a Bill Entituled, An Act for Levying divers Sumes of money for defraying the Charge of this Colony to which they desire the Concurrance of this Board

Which Bill being read Twice is Committed to the Gentlemen of this Board or any five of them

A Message from ye Assembly by Capt Willson that they past a Bill Entituled, An Act for the Treasurer paying Certain Sumes of money to which they desire the Concurrence of this Board

Which Bill being read Twice is Committed to the Gentlemen of this Board or any five of them.

Mr Mompesson Reported from the Committe to whom the Bill Entituled, An Act for Levying divers sums of Money for defraying the Charge of this Colony was Committed, Reported that they have gone through the sd Bill wthout any Amendmt

Which Bill being read a Third time is past.

Ordered, yt Mr Mompesson do acquaint the Assembly that this Board do agree to the said Bill without any amendment.

Roger Mompesson Esqr Chairman of the Comittee to whom the Bill Entituled, An Act for the Treasurer praying Certain Sums of Money was Comitted, Reported that they have gone through the said Bill without any amendmt.

Which Bill being read a Third time is past.

Ordered, yt Mr Mompesson do acquaint the Assembly that this Board do agree to the said Bill without any amendment.

Att a Councill held att New York, ye 11th day of October, 1709.

PRESENT— *The Honoble* RICHARD INGOLDESBY, Esqr, Lieutenant Governour,

Collo HEATHCOTE,
Mr MOMPESSON,
Mr BARBERIE,
Mr PHILLIPSE,
Collo PEARETREE,
Capt PROVOST.

The Assembly being Prsent the Livt Govr in a Speech Recomended to them the Repairs of ye fforts & ffortifications att Albany, Schonectady & New York and then gave his assent to these following Bills

An Act for Reviveing An Act for Encouraging of Seamen

An Act to Prevent the removall of Actions of Twenty Pounds from ye Mayors Court of New York & other Courts

An Act for Levying divers Sums of money for defraying the Charge of this Colony

An Act for the Treasurer's paying Certain Sums of money.

Att a Councill held in New York, this 12th day of Octobr, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY, Esqr, Lieutenant Governour,

Collo HEATHCOTE,
Mr MOMPESSON,
Mr BARBERIE,
Capt PROVOST.

The Assembly presented an Address to the Levt Govr for placeing the Queens forces att Albany and the places thereabouts for the Defence of the ffronteers this Winter.

Att a Councill held att New York this 13th day of Octr, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY, Esqr, Lieutenant Governour,

Mr BEEKMAN,
Mr VAN DAM,
Coll HEATHCOTE,
Mr BARBERIE,
Mr PHILLIPSE,
Collo PARETREE,
Capt PROVOST.

The Livt Govr having again Communicated to this Board the Address presented to him yesterday by the Assembly and the subject matter thereof haveing been debated The Livt Govr is of oppinion That all the men belonging to her Majesties Companys in this Province who are well and able to do Duty be left att Albany for the Defence of the ffronteers this Winter that the Invalids be sent from thence to New York for the better recovery of their Health and when they are recovered to do duty in this Fort and that to Prevent any abuse in the sending Down Sicke men none shall be sent from Albany unles he has a Certificate from the Mayor there of his Indisposition but all this to be on Condition that the Assembly provide wood and Candles for her Majesties Garrisons there & here for this Winter.

But the Majority of the Council being of opinion that all ye Regular forces be Left att Albany for ye Defence of the frontiers this Winter provided the Assembly or Inhabitants Lodge them in house for their accommodation & provide fire and candle for the Garrisons of Albany Schonectady & New York

Also cause a Suitable Number of the Militia to Strengthen the ffrontiers and that they take care that a Guard be kept in the ffort of New York in a more Regular māner then has been hitherto observed and with more ease to the Inhabitants of this towne wch they desire his honour to Recommend to the Assembly

Capt Provost is Ordered to lay the same before the Assembly.

At a Councill held att New York, this 19th *day of Octo^r^*, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY Esqr, Lieutenant Governour,

M^r^ VAN DAM, Mr MOMPESSON, Mr BARBERIE, } Coll. PARETREE, Capt PROVOST.

A Bill Entituled, An Act for the Assigning of Sherriffs being sent from the Assembly for the Concurrence of this Board, was Read twice and Committed to the Gentlemen of this Board or any five of them.

A Bill Entituled, An Act to determine Settle and Ascertain the Bounds and Limitts of the County of Orange being Sent from the Assembly for the Concurrence of this Board was read Twice and Committed to the Gentlemen of this board or any five of them

Att a Councill held in New York, this 20th *day of October*, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY Esqr, Lieutenant Governour,

Mr BEEKMAN, M^r^ VAN DAM, Mr MOMPESSON, Mr BARBERIE, Mr PHILLIPSE, Coll^o^ PARETREE.

Ordered, y^t^ that the Secretary do Summon the Assembly to attend here Immediately they being accordingly Come the Lev^t^ Govr made a Speech to them acquainting them wth his Intention of goeing to Rode Island to the Congres & recomending to them to provide a Sūme of money to bear his Expences.

Att a Councill held att New York, this 27th *day of Octob^r^*, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY Esqr, Lieutenant Governour,

Mr BEEKMAN, M^r^ VAN DAM, Mr BARBERIE, Mr PHILLPSE, Coll^o^ PARETREE, Capt PROVOST.

A Message from ye Assembly that they have past a Bill Entituled, An Act for the Currency of Bills of Creditts for four Thousand pounds to which they desire the Concurrance of this Board

Which Bill was Read Twice and Committed to the Gentlemen of this Board or any five of them.

And allso a Message from ye Assembly that they have past a Bill Entituled, An Act for Reviving An Act Entituled, An Act to prevent Selling or givein of Rum or other Strong liquors to the Indians in ye County of Albany to which they Desire the Concurrence of this Board.

Which Bill was read Twice and Comitted to ye Gentlemen of this Board or any five of them

And also a Message from the Assembly y^t^ they have past an Bill Entituled, An Act to repeal An Act of Gen^ll^ of Assembly Entituled, An Act to oblige Robert Livingston to account according to the Perport of An Act Entituled, [An Act] appointing and Enabling Comm^rs^ to take and State the Publick Accounts of this Province to which they desire ye Concurrence of this Board

Which Bill being read Twice is Committed to the Gentlemen of this Board or any five of them

Att a Councill held att New York, this 1st *day of Novr*, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY Esqr, Lieutenant Governour,

Mr VAN DAM, Mr BARBERIE, Mr PHILLIPSE, Collo PARETREE, Capt PROVOST.

Mr Van Dam Reported from ye Committee to whom was Committed the Bill Entituled, An Act for reviving An Act Entituled, An Act to Prevent Selling or giving of Rum or other Strong liquors to ye Indians in ye County of Albany, yt they have gone through ye sd Bill without any Amendmt

Which Bill being read a Third time is past

Ordered, yt Mr Van Dam do acquaint ye Assembly yt this Board do agree to ye Said Bill without any Amendment.

Mr Van Dam likewise reported from ye Comittee to whom was Committed the Bill Entituled, An Act to determine Settle and Asertain ye Bounds and Limitts of ye County of Orange that they have gone through ye Said Bill without any Amendmt

Which Bill being read a Third time is past.

Ordered, yt Mr Van Dam do acquaint the Assembly yt this Board do agree to ye said Bill without any Amendment.

Mr Van Dam Reported from ye Committee to whom was Committed The Bill Entituled, An Act to repeal An Act of Genll Assembly Entituled, An Act to oblige Robert Livingston to acct according to the Purport of An Act Entituled, [An Act] appointing and Enabling Commissioners to take and state ye Publick Accots of this Province, that they have gone through the Said Bill without any Amendment

Which Bill being read a Third time is past.

Ordered, yt Mr Van Dam do acquaint ye Assembly yt this Board do agree to ye said Bill without any Amendment.

Mr Van Dam Reported from ye Committee to whom was Committeed the Bill Entituled, An Act for ye Currency of Bills of Creditts for four Thousand Pounds, that they have gone through ye sd Bill without any Amendment.

Which Bill being read a Third time is past

Ordered, yt Mr Van Dam do acquaint the Assembly that this Board do agree to ye Said Bill without any amendment.

Mr Van Dam reported from ye Comittee to whom ye Bill Entituled, An Act for ye assigning of Sheriffs was Committed yt they have gone through the sd Bill without any amendment which Bill being read a Third time is past.

Ordered, yt Mr Van Dam do acquaint the Assembly that this Board do agree to ye Said Bill without Amendment

Mr Van Dam Reported from ye Comittee to whom was Comitted the Bill Entituled, An Act to Regulate the Sale of Goods by Publick outcry, Auction or Vendue in ye City of New York yt they have gone Through ye Said Bill & made Some Amendments thereto which were read & agreed to by this Board

Another Amendmt to ye said Bill being proposed was agreed to & follows page 2d line 15 after the word vessells & before the word [or] incert these words [or parts thereof]

The Bill being read a third time is past

Ordered, that Mr Van Dam do Carry the Said Bill unto the Assembly and Acquaint them that this Board do agree to ye Same with Some Amendments to which they Desire the Concurrence of that House

The Bill Entituled, An Act for the City & County of Albany to pay ye arrears due to their Representatives and for other uses Sent from ye Assembly was read ye first time and

Ordered, to be read a Second time

Att a Councill held att in New York this 4th *day of November*, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY Esqr, Lieutenant Governour,

Mr BEEKMAN, Mr VAN DAM, Mr RENSLEAR, Mr BARBERIE, Mr PHILLIPSE, Collo PARETREE, Capt PROVOST.

Ordered, yt Capt Provost do desire the Assembly to appoint a Committee of their house to meet a Committee of this Board @ four a Clock this afternoon att ye house of Mr Swift

to Consider of ye Address prepared to be presented to her Majestie and y^t^ any three of ye Gentlemen of this Board be a Committee for y^t^ Purpose

A Message from the Assembly with ye Bill Entituled, An Act for Confirming Certain Lands to Coll Nicholas Bayard to which they desire the Concurrence of this Board

Which Bill being read Twice & Comitted to ye Gentlemen of this Board or any five of them

The Bill Entituled, An Act for the City & County of Albany to Pay ye Arrears due to their Representatives and for other uses was read a Second time & Committed to ye Gentlemen of this Board of any five of them.

*Att a Councill held att New York this 9th day of Nov^r^*, 1709.

PRESENT— *The Honoble* RICHARD INGOLDESBY Esqr, Lieutenant Governour,

M^r^ VAN DAM,
Mr RENSLEAR,
Mr MOMPESSON,
Mr BARBERIE,
Mr PHILLIPSE,
Coll^o^ PARETREE,
Capt PROVOST.

Mr Mompesson Reported from ye Committee to whom ye Bill Entituled, An Act for ye Citty and County of Albany to pay the Arrears due to their Representatives and for other uses was Committed y^t^ they have gone through the s^d^ Bill and made some Amendm^ts^ thereto which were Read & agreed to a nother Amendment being Proposed is made (Viz^t^) leave out the Titule of ye Bill and in lieu thereof Incert these words [An Act for ye benefitt of ye Citys of New York and Albany and ye County thereof

And ye said Bill being read a third time is past with ye amendm^ts^

Ordered, that Mr Mompesson do Carry ye said Bill to ye Assembly & acquaint them y^t^ this Board do agree to ye Said Bill with some Amendments to which they desire ye concurrence of y^t^ house.

The Bill Entituled, An Act for more Ease of Trade was read Twice & Committed to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act for Levying Ten thousand ounces of plate or fourteen thousand five Hundred forty five Lyon Dollars was read Twice and Committed to ye Gentlemen of this Board or any five of them

The Draft of An Address to her Maj^tie^ being delivered from ye Committee was read and agreed to with one Amendm^t^

Ordered, that Mr Phillipse do Carry the Same to ye Assembly and Recommend to them ye filling up the Blanks therein to gett four or five fair Coppys thereof made and to take such other measures with respect thereto as they shall think Proper.

*Att a Councill held att New York, this 10th day of Nov^r^*, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY, Esqr, Lieutenant Governour,

Mr BEEKMAN,
M^r^ VAN DAM,
Mr RENSLEAR,
Mr MOMPESSON,
Mr PHILLPSE,
Coll^o^ PARETREE,
Capt PROVOST.

Coll^o^ Schuyler took his place.

Ordered, that Provost do acquaint the Assembly that this Board do agree to the Conferrence desired by them on the amendm^ts^ made by this Board to ye Bill Entituled, An Act for ye Citty and County of Albany to pay the arrears due to there representatives &c for which this Board doe appoint three a Clock this afternoon att the Councill Chamber in ye Citty Hall and y^t^ Mr Van Dam, Mr Renslear, Mr Mompesson, Mr Phillipse and Capt Provost be a Comittee for y^t^ Purpose.

Mr Mompesson Reported from ye Committee to whom was Committed the Bill Entituled, An Act for Levying Tenn Thousand ounces of plate or fourteen thousand five Hundred forty five Lyon Dollars y^t^ they have gone through ye said Bill without any amendment.

Which Bill was read a third time & past.

Ordered, y^t^ Capt Provost do acquaint ye Assembly y^t^ this Board do agree to ye said Bill without any amendment.

The Bill Entituled, An Act for an Assignment to ye Lady Lovelace was read Twice & Committed to ye Gentlemen of this Board or any five of them.

The Bill Entituled, An Act for ye Currence of Bills of Creditts for Ten Thousand ounces of plate or fourteen thousand five Hundred forty five Lyon Dollars was read Twice and Committed to the Gentlemen of this Board or any five of them.

Att a Councill held att New York, this 11th *day of November*, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY, Esqr, Lieutenant Governour,

Collo SCHUYLER,	Mr BARBERIE,
Mr VAN DAM,	Mr PHILLIPSE,
Mr RENSLAER,	Collo PARETREE,
Mr MOMPESSON,	Capt PROVOST.

Mr Phillipse Reported from ye Committee to whom was Committted ye Bill Entituled, An Act for Currency of Bills of Creditts for Tenn Thousand Ounces of Plate or fourteen thousand five Hundred forty five Lyon Dollars, yt they have gone through the said Bill without any amendment.

Which Bill Being read a Third time is past without amendment.

Ordered, yt Mr Phillipse do acquaint the Assembly yt this Board do agree to ye said Bill without any amendment.

Mr Phillipse reported from ye Committee to whom was Committed the Bill Entituled, An Act for An Assignmt to ye Lady Lovelace yt they have Gone through ye said Bill without any amendment.

Which Bill being read a Third time is past without any amendment.

Ordered, that Mr Phillipse do acquaint ye Assembly yt this Board do agree to ye said Bill without any amendment.

Mr Mompesson reported from ye Committee to whom ye Bill Entituled, An Act for ye more Ease of Trade was Committed yt they have made some Progress therein and desire leav to set again & have power to send for Persons papers and Records. It is

Ordered, accordingly.

The Committee of Each house haveing on a Conferrence made some amendmts to the Bill Entituled, An Act for ye Citty and County of Albany to pay the arrears due to their Representatives & for other uses (instead of ye amendments made before yt to the said Bill) ye same are agreed to by this Board and ye Bill being read a third time is past with ye said amendments.

The Bill Entituled, An Act for ye Treasurers Issueing Bills of Creditt to pay the Present debt of ye Expedition to Canada & other uses being read Twice is Committed to ye Gentlemen of this Board or any five of them

Att a Councill held att New York this 12th *day of Novr*, 1709.

PRESENT — *The Honoble* RICHARD INGOLDESBY, Esqr, Lieutenant Governour,

Collo SCHUYLER,	Mr BARBERIE,
Mr VAN DAM,	Mr PHILLIPSE,
Mr RENSLEAR,	Collo PARETREE,
Mr MOMPESSON,	Capt PROVOST.

The Bill Entituled, An Act for the Better Watching and guarding the City of Albany was Read Twice and Committed to the Gentlemen of this Board or any five of them

Mr Mompesson Reported from ye Committee to whom the Bill Entituled, An Act for the Treasurers Issuing Bills of Creditt to pay the Present debt of the Expedition to Canada & other uses was Committed, that they have gone through the said Bill without any amendmt

Which Bill being read a third time is past

Ordered, yt Mr Van Dam do acquaint the Assembly yt this Board do agree to the said Bill without any amendment.

Mr Van Dam Reported from ye Committee to whom the Bill Entituled, An Act for the Bettr Watching and guarding the City of Albany was Committed that they have gone through the sd Bill without any amendment

Ordered, yt Mr Van Dam do acquaint the Assembly that this Board do agree to ye sd Bill without any amendment.

Mr Mompesson Reported from the Committee to whom the Bill Entituled, An Act for Confirming certain Lands unto Collo Nicholas Bayard was Committed that they have gone through the said Bill without any amendment.

Which Bill being read a third time is past.

A Message from ye Assembly yt they have past a Resolve, That the Humble Address of ye Levt Governour Councill and Generall Assembly of this Colony to the Queen representing the prsent State of this Colony be Committed to the Charge & Care of Collo Peter Schuyler to be presented by himself to her Secred Majestie, he being a person who not only in the last Warr

(when he Commanded the forces of this Colony in Cheife att Canada) and in the p^r^sent. has performed faithfull Service to this & the neighboring Colonys & behaved himself in the offices with which he has been Intrusted with good Reputation & ye Generall Satisfaction of ye People in these parts, to which Resolve his honour & this Board do unanimously concurr out of the Esteem they have of his good Services in all the Stations wherein he has acted, particularly for ye Services he has done with respect to the five Nations of Indians by the great Influence he has on them.

His Honour having Sent for the Assembly & they being present he gave his Assent to these following Bills Viz^t^

An Act to Determine Settle & Ascertain ye Bounds & Limitts of ye County of Orange.

An Act for the Treasurer Issuing Bills of Creditts to pay the present debt of ye Expedition to Canada and other uses.

An Act for ye Bett^r^ Watching & Guarding ye City of Albany.

An Act for ye Currency of Bills of Creditts for Tenn Thousand ounces of Plate or fourteen Thousand five Hundred forty five Lyon Dollars.

An Act for Levying Tenn Thousand ounces of Plate or fourteen Thousand five hundred forty five Lyon Dollars.

An Act for ye City & County of Albany to pay ye arreers Due to their Representatives and for other uses

An Act to Repeal An Act of Gen^ll^ Assembly Entituled, An Act to oblige Robt Livingston to acco^t^ according to ye purport of one Act Entituled, An Act to appointing & Enabling Comm^rs^ to take & state ye Publick acco^ts^ of this Province.

An Act for an Assignment to y^e^ Lady Lovelace.

An Act for Reviving An Act Entituled, An Act to Prevent Selling or giveing of Rum or other Strong Liquors to the Indians in County of Albany.

Then his Honour adjourned the Assembly to the first Tuesday in March next

[In Executive Session.]

15 *February* 17$\frac{09}{10}$

Ordered y^t^ Proclamations issue adjourning the Assembly to the fourth day of Aprill next

21 *March* 17$\frac{09}{10}$.

Ordered that a Proclamation issue adjourning the Assembly for Ten days from the day they now stand adjourned to.

20 *June* 1710.

It is the opinion of this Board that the ffirst day of September is the properest time for the Assembly of this Province to meet.

THIRTEENTH ASSEMBLY FIRST SESSIONS.

At a Councill held at ffort Anne in New York, this first day of September, 1710.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr &c.,

Coll D'PEYSTER,	M^{r} VAN DAM,
Doctor STAATS,	Mr MOMPESSON,
Capt WALTER,	Mr BARBERIE.

The Clerk of the Assembly Informed his Excellency that but one of the Assembly has yet come to the City hall

Post Meridiem

At a Councill held at ffort Anne in New York, this ffirst day of September, 1710.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll DE PEYSTER,	M^{r} VAN DAM,
Doctor STAATS,	Mr MOMPESSON,
Capt WALTER,	Mr BARBERIE.

The Clarke of the Assembly haveing acquainted his Excellencey that there are sixteene of the Assembly at the City hall his Excellencey sent the Secretary to Command their attendance in the Councill Chamber Imediatley Whereupon they came and took the Oaths appointed to be taken Instead of ye Oaths of Allegiance & Supremacey and tooke & Subscribed ye Test and Abjuration Oath and then his Excellency Recommended to them to Choose a Speaker to be presented to him

Then they Returned and presented William Nicoll Esqr their Speaker whom his Excellencey approved of

Then ye Speaker desired his Excellencey to have their usuall Priviledges allowed them to wit,

That themselves & servants be free from arrests dureing ye Sessions.

That they have ffree admission to his Excellencies person at all times concerning the affaires that may be before them

And ffreedome of Debate and a favourable Construction from his Excellencey of their words and actions.

All which his Excellency promissed them.

Then his Excellency made the following speech to them Which follows *in hæc verba:*

Gentlemen

It is with some concern that I speak to this house from a place of this Eminence being vnfeignedly Conscious to my self of my own vnworthyness and how vnequal I am to so great a Trust but Deriving that Honour from the best ffountain from whence it has ever flowed, Least I also should too hastily Blame her Choice I make no other vse of that Humbling Reflection then as a Continued Motive to Double my Endeavours for the Publick wellfare in the proportion that I fall short in Rank and Dignity of those Illustrious persons who have born this office before me which is doing her Maj^{ty} most effectual service her own way.

I shall trouble you no more with what relates to my self. As to what relates to you I am Confident that what I have to recommend wants neither Arts nor Arguments to enforce it being only your Duty your Interest and Common Justice that is to provide a Suitable Support for her Maj^{tys} Government to take more Effectual Care of the Publick Safety and to Restore the Publick Credit in a great measure Lost. As to the ffirst of these I am Commanded by her Maj^{ty} in a very Particular Manner to Recommend to you the Settling Such a Revenue and for such a Term as you your Selves who are the most competent Judges shall think Sufficient to answer ye ends

In Relation to the present State of the publick Safety I must beg your Patience whilst I acquaint you with the Dismal view I have Lately had of our Danger whilst I was upon the Frontiers

I Received there two Pressing Letters from the Governor of New England at the Instance of that Assembly Seconded by ye Court of Officers there Representing the Cruelties & Barbarities Daly Committed by the ffrench & ffrench Indians upon their ffrontiers tho' Guarded by five

Hundred armed men whilst he was Raising One thousand for her Maj^{tys} Immediate Service and begging that I would perswade our Indians who are in League with all her Maj^{tys} Subjects to make a Diversion by Incursions & Reprisals upon those in the French Interest. then it was that I found that had it been Judged adviseable by the Commissioners of the Indian Affairs the only persons I had to advise withal or had the Indians Consented to Comply with the Desires of the Government of New England it was So far from Practicable that had these Incursions been made this way we were in a much worse Condition than they, to prevent a General Devestation that must have Ensued there being neither money in the Tresury nor Forts, or what is whorse, then none noe arms or men for our Defence So that We are forced to rest Contented with a precarious Security under a Suspicious Neutrality that hath no firmer ffoundation then the Faith of Savages whilst our Neighbours Frontiers are on Fire and the Inhabitants Inhumanely Butchered.

This Considered I hope I need not Recommend to you what you must be Convinced is so absolutely Necessary that Immediate Care be taken so to put those fforts in Repair or build others in more Convenient Places That the Militia Act which is Immediately to Expire by its own Limitation be Renewed & what besides you shall Judge Necessary for your own Safety. As to Restoring the publick Creditt I shall beg Leave only to observe to you that Publick Debts are no other then the Just Demands of private men, So that you all are or may be in some measure Concerned in them, and as in Private Persons punctual Payment is not only a good Signe but sure means of Thriving I believe the Analogy will hold pretty just with relation to the state.

Her Maj^{ty} has Commanded me to Recommend to you the passing of Several Laws, Some of which have been heretofore Enacted but being Temporary are now Expired; particularly one Act for Returning able and Sufficient Jurors for the better Administration of Justice; An Act to prevent the Burning of Woods which is of very Evident Necessity at this time she haveing sent hither under my Care a great Number of Distressed Germens to be Imployed here in the Production of Naval Stores which must in time prove a great addition of Wealth and Strength to this Province; as also An Act whereby the Creditors of Persons becoming Bankrupt in Great Britain and having Estates in this Province may be Relieved & satisfied for Such Debts This is but what is Just & honest and what nearly Concerns your Reputation, there lying a general Imputation upon the Provinces in America of protecting Bankrupts from the Just Demands of their Creditors Let us wash our Selves clean of it by Such a Law.

It has been a Practice formerly in this & other Plantations to make large Presents to their Governours by a Law for that purpose which was attended with many Inconveniencies; her Maj^{ty} has Commanded me to Let you know that no Law of that Nature is to be passed for the future.

ffor my own part I shall always be ready to advise & chearfully to Concur with you in whatsoever measures may be thought necessary for promoting ye publick good, True Religion & Vertuous life which is ye ultimate End of all Governm^{t}. You have but one common interest and & (*sic*) consequently ought to be of one minde; if any go about to Disturb your Peace by reviving buryed parties & piques or creating new ones they shall meet with no Countenance or Encouragem^{t} from me & I am sure they deserve as little from you.

At a Councill held at ffort Anne in New York, the Ninth day of September, 1710.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,	Mr MOMPESSON,
Doctor STAATS,	Mr BARBERIE,
Capt WALTER,	Mr PHILLIPSE.
M^{r} VAN DAM,	

A Message from the Assembly by Mr Cuyler That they have past An Act for Reviveing An Act of Generall Assembly Entituled, An Act for better Settleing ye Militia of this Province & makeing it more usefull for ye security & defence thereof.

Ordered, that the Bill be Read ye first time Which being done

Ordered, That it be Read a Second time next sitting of this Board.

At a Councill held at ffort Anne in New York, this 11th *day of Sept*r, 1710.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll DE PEYSTER,	Mr MOMPESSON,
Capt WALTER,	Mr BARBERIE,
Mr VAN DAM,	Mr PHILLIPSE.

Coll Schuyler took ye Oaths appointed to be taken Instead of the Oaths of Allegiance and Supremacy and ye Test and Abjuration oath togeather with ye oath of Privy Councellor. And then hee tooke his place at ye Board.

Her Majestie haveing thought fitt by her order in Councill to Disallow & dissaprove of An Act of Assembly formerly past in this Province for Regulateing and Establishing ffees and by her Instructions to his Excellency to order him to Regulate & Settle ye ffees with the advice of the Councill It is

Ordered, that ye Secretary doe lay before ye Assembly ye said Order and Instructions and acquaint them that his Excellencey has Referred the Consideration of ye ffees to a Committee of ye Councill and Directed them to Regulate the same that they may be Established by an Ordinance of his Excellencey and Councill, which he hopes will be done in such a manner as may be satisfactory to that house, and Entirely answer the End.

Ordered, that the ffive Accounts sent from Albany relateing to ye officers that came from Canada last Winter with a fflagg of Truce Amounting in ye whole to ninety nine pounds ffour shillings and three pence be layd before ye Assembly for their Consideration.

At a Councill held at ffort Anne in New York, this 14th *day of September*, 1710.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll SCHUYLER,	Mr VAN DAM,
Coll DEPEYSTER,	Coll HEATHCOTE,
Doctor STAATS,	Mr MOMPESSON,
Capt WALTER,	Mr BARBERIE,
Coll BEEKMAN,	Mr PHILLIPSE.

Ordered, That the Gentlemen of this Board or any ffive of them be a Committee to Regulate and Draw upp a Table of ffees and to make their Report to this Board, and ye said Committee to send for persons Papers & Records.

The Bill Intituled, An Act for Reviving An Act of Generall Assembly Entituled, An Act for better settleing ye Militia of this Province & makeing it more usefull for ye secur ty and defence thereof, was Read a second time and Committed to the Gentlemen of this Board or any ffive of them.

At a Councill held at ffort Anne in New York this 18th *day of September*, 1710.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll SCHUYLER,	Capt WALTER,
Coll DEPEYSTER,	Mr MOMPESSON,
Doctor STAATS,	Mr BARBERIE.

The Bill Entituled, An Act for ye better settlement and assurance of Lands in this Colony Read the ffirst time and ordered to be Read againe ye next Councill day

At a Councill held at ffort Anne in New York this 21st *day of September*, 1710.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll SCHUYLER,	Mr MOMPESSON,
Doctor STAATS,	Mr BARBERIE.
Coll BEEKMAN,	

The Bill Intituled, An Act for the better settlement and assurance of Lands in this Colony was Read a Second time and Committed to the Gentlemen of this Board or any ffive of them.

Mr Van Dam & Mr Phillipse took their places at ye Board.

Coll Depeyster too his place

A Message from ye Assembly that they Desire this Board may appoint a Committee to Joine a Committee of that house to whom the Treasurers accounts are Referred

Ordered, that Mr Van Dam, Mr Barberie and Mr Phillipse or any two of them be a Committee for that purpose

Ordered, that Mr Barberie doe acquaint ye Assembly that this Board doe appoint Mr Van Dam Mr Barberie and Mr Phillipse to be a Committee to Joine a Committee of that house to whom ye Treasurers Accounts are Referred and that this Board doe appoint ye meeting of the said Committee to be at ye house of Mr Swift at three a clock in ye afternoone on Satturday next.

At a Councill held at ffort Anne in New York this 25th *day of September*, 1710.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll SCHUYLER,	Mr MOMPESSON,
Doctor STAATS,	Mr BARBERIE,
Capt WALTER,	Mr PHILLIPSE.
Coll RENSELAER,	

Ordered, that ye Committee appointed to Joyne ye Committee of ye Assembly on ye Treasurers Accots have power to send for Persons Papers and Records.

Coll Depeyster took his place at ye Board.

Roger Mompesson Esqr Chairman of ye Committee to whom ye Bill Intituled, An Act for ye better Settlement & assureing of Lands in this Colony was Referred, Reported that they have gone through ye said Bill and made some amendments thereto Which hee Read in his place and afterwards Delivered in at ye Table where ye same were Read & agreed to by ye Board.

And the Bill being Read a Third time with ye Amendments Past ye Councill.

Mr Mompesson Enters his Dissent to ye Passing ye said Bill.

Ordered, That Coll Depeyster doe carry ye said Bill to ye Assembly and acquaint them that this Board have agreed to ye same with some amendments to which they Desire their Concurrence.

At a Councill held at ffort Anne in New York, this 12th *day of October*, 1710.

PRESENT — *His Excellencey* ROBERT HUNTER, *Esqr*, &c.,

Coll SCHUYLER,	Mr VAN DAM,
Coll DEPEYSTER,	Mr MOMPESSON,
Doctor STAATS,	Mr PHILLIPSE.

A Message from ye Assembly that they have past a Bill Intituled, An Act for ye more Ease of Trade to which they desire ye concurrence of this Board.

Which Bill being Read ye first time is ordered to be Read a Second time next Councill day.

A Message from ye Assembly that they have past a Bill Entituled, An Act for laying an Excise on all strong Liquors Retailed in this Colony to which they desire ye Concurrence of this Board.

Which Bill being Read the ffirst time is ordered to be Read a Second time next Councill day.

Roger Mompesson Esqr Chairman of ye Committee to whom the Bill Entituled, An Act for Reviveing An Act of Generall Assembly Entituled, An Act for better Settleing ye Militia of this Province & makeing it more usefull for ye Security and Defence thereof was Committed, Reported that they have gone through ye same and made an amendment thereto Which hee Read in his place and afterwards delivered in at the Table where ye same was Read & Agreed to by ye Board.

Then ye Bill being Read the Third time with ye Amendments was agreed to & past.

Ordered, that Mr Mompesson doe Carry ye Bill to ye Assembly and Acquaint them that this Board doe Agree thereto with an amendment to which they desire ye Concurrence of that house.

A Message from ye Assembly That they have Agreed to ye Amendments made by this Board to ye Bill Entituled, An Act for ye better Settlement & Assurance of Lands in this Colony.

Mr Mompesson Chairman of the Committee to whom it was Referred to prepare a Table of ffees Reported that they have Accordingly prepared such a Table Which hee Delivered to this Board where ye same was Read and with some amendments agreed to by this Board.

Ordered, That ye Attorney Generall doe forthwith prepare An Ordinance for Establishing ye said ffees.

A Message from ye Assembly that they have past a Bill Entituled, An Act for Reviveing An Act Entituled, An Act for ye Regulateing & Returneing able and Sufficient Jurors in Tryalls at Law to which they Desire the Concurrence of this Board.

Which Bill was Read the ffirst time and ordered to be Read a second time next Councill day.

At a Councill held at ffort Anne in New York, this 14th *day of October*, 1710.

PRESENT — *His Excellencey* ROBERT HUNTER, *Esqr*, &c.,

Coll SCHUYLER,
Coll DEPEYSTER,
Capt WALTER,
Coll RENSELAER,
Mr MOMPESSON.

The Bill Intituled, An Act for Laying an Excise on all Strong Liquors Retailed in this Colony Read a second time and ordered to be Committed to the Gentlemen of this Board or any ffive of them.

The Bill Intituled, An Act for Reviveing An Act Entituled, An Act for ye Regulateing and Returneing able and Sufficient Jurors in Tryalls at Law Read a second time & Referred to a Committee of this Board or any ffive of them.

The Bill Entituled, An Act for ye more Ease of Trade Read ye second time & Referred to a Committee of this Board or any ffive of them.

A Message from ye Assembly by Lieu^t Coll Schuyler That ye Assembly have Agreed to ye Amendments made by this Board to ye Bill Entituled, An Act for Reviveing An Act of Generall Assembly Entituled, An Act for better Settleing ye Millitia of this Province and makeing it more usefull for ye Security & defence thereof.

At a Councill held at ffort Anne in New York the 18th *day of October*, 1710.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll SCHUYLER,
Coll DE PEYSTER,
Doctor STAATS,
M^r VAN DAM,
Coll RENSELAER,
Mr MOMPESSON.

Mr Mompesson, Chairman of ye Comittee to whom the Bill Entituled, An Act for laying an Excise on all Strong Liquors retailed in this Colony was Referred Reported that they had gone through the Same and agreed to it without any Amendments.

Then the Said Bill was Read the Third time and passed this Board.

Mr Mompesson Chairman likewise of the Committee to whom the Bill Entituled, An Act for Reviveing An Act Entituled, An Act for the Regulateing and Returneing able & Sufficient Jurors in Tryalls at Law was Referred, Reported that they had gone through the Same and agreed to it without any Amendments

Then the Said Bill was Read the third time and passed this Board.

The Bill Entituled, An Act for Continuing An Act for Laying a Duty on the Tonnage of Vessells & Slaves Read the ffirst time and Ordered a Second Reading

The Bill Entituled, An Act for Enabling the Supervisors of Queens County to Sell the Old County hall and Prisons and to confirme their late Purchase of New ones, Read the ffirst time and Ordered to be Read a Second time.

The Bill Intituled, An Act for Continuing An Act for laying a Duty on the Tonage of Vessells & Slaves Read a Second time and Committed to the Gentlemen of this Board or any ffive of them.

The Bill Entituled, An Act for Enabling the Supervisors of Queens County to Sell the Old County hall and Prisons and to Confirme their late Purchase of New ones, Read the Second time and Committed to the Gentl of this Board or any ffive of them.

Ordered, that Mr Mompesson doe Carry the Bill Entituled, An Act for laying an Excise on all Strong Liquors Retailed in this Colony to the Assembly and Acquaint them that this Board have Agreed to the Same without any amendments

Ordered, That Mr Mompesson doe Carry the Bill Intituled, An Act for Reviveing An Act Entituled, An Act for the Regulateing and Returneing Able and Sufficient Jurors in Tryalls at Law, to the Assembly and Acquaint them that this Board have Agreed to the Same without any Amendments.

At a Councill held at ffort Anne in New York this 19th *day of October*, 1710.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Mr VAN DAM,
Coll HEATHCOTE,
Coll RENSELAER,
Mr MOMPESSON.

Mr Bickley layd before this Board a Draught of An Ordinance for Regulateing and Establishing ffees Which was Read and with Some Amendments made thereto Ordered to be Ingrossed

Mr Phillipse took his place

Rip Van Dam Esqr Chairman of ye Comittee to whom the Bill Intituled, An Act for Continuing An Act for laying a Duty on the Tonnage of Vessells and Slaves was Comitted Reported that they have gone through the said Bill and made Some Amendments thereto Which hee Read in his place and afterwards delivered the Same in at the Table where the Same was Read and Agreed to with ye Amendments.

Ordered, That Mr Van Dam doe Carry the Said Bill to the Assembly and Acquaint them that this Board doe Agree thereto with Some Amendments to which they desire their Concurrence

Ordered, That Mr Van Dam doe desire the Assembly that the Conveyance mentioned in the Bill Intituled, An Act for Enabling the Supervisors of Queens County to Sell the old County hall and Prisons and to Confirme their late Purchase of New ones togeather with what Papers they have Relateing to the said Bill be layd before ye Cōmittee of this Board to whom the said Bill is Cōmitted.

At a Councill held at ffort Anne in New York, this 21th *day of October*, 1710.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll SCHUYLER,
Coll DE PEYSTER,
Doctor STAATS,
Capt WALTER,
Coll RENSELAER,
Mr PHILLIPSE.

A Message from ye Assembly by Mr Johnson that they have past a Bill Entituled, An Act to Repeale a Clause in An Act Entituled, An Act agt fforging Counterfeiting & Clipping of fforeigne Coine which is Current money in the Colony of New York to which they desire ye Concurrence of this Board.

Which Bill was read the first time and ordered to be Read a second time.

At a Councill held at ffort Anne in New York, this 26th *day of October*, 1710.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll SCHUYLER,
Coll D' PEYSTER,
Doctor STAATS,
Coll BEEKMAN,
Coll RENSELAER,
Mr MOMPESSON,
Mr BARBERIE,
Mr PHILLIPSE.

A Message from ye Assembly by Mr Tenycke That they have passed a Bill Entituled, An Act for the more Ease of her Majesties Subjects in this Colony To which they desire the Concurrence of this Board.

Which Bill was Read ye first time and ordered a second Reading.

A Letter Directed to Coll Schuyler Relateing to the Repairing the ffortifications of Schinectady layd before his Excellencey and this Board As also a Report from the Commissioners of the Indian Affaires at Albany Relateing to a smith to be Continued in the Onida's Country and what Tools will be Requisite that hee be supplyed with for that purpose ; This Board being of opinion the same are highly necessary to be done.

Ordered, That Coll Schuyler doe lay ye same before the Assembly for their Consideration.

At a Councill held at ffort Anne in New York, this 28th *October*, 1710.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll SCHUYLER,
Coll D' PEYSTER,
Doctor STAATS,
Capt WALTER,
Coll RENSELAER,
Mr MOMPESSON,
Mr BARBERIE,
Mr PHILLIPSE.

His Excellencey acquainted this Board that by the votes of the Assembly of the 25th Instant hee findes they have Resolved Two thousand ffive hundred ounces of Plate be Levyed and raised towards defraying his necessary Expense for One yeare, That ye Queene by her Instructions haveing assigned Twelve hundred pounds Sterling ℔ ann for the Governor's Salary here ; His Excellencey proposed sending for the Assembly and Acquainting them with those Instructions which was agreed to and they were likewise of opinion 'twill be proper to Give them a Copy thereof.

The Bill Entituled, An Act to Repeale a Clause in An Act Entituled, An Act Against fforging Counterfeiting & Clipping of fforeigne Coin which is Current money in the Colony of New York being Read a second time is Committed to the Gentlemen of this Board or any ffive of them.

Mr Van Dam took his Place

The Secretary by his Excellencies Command Required the Assemblys Attendance in ye Councill Chamber and they Attended Accordingly.

His Excellencey told them ye Occasion of his requiring their Attendance at this time is a vote of their house of the 25th Instant wherein they Resolved That Two thousand ffive Hundred Ounces of Plate be Levyed and raised towards defraying his Expence for one yeare which he Read to them and afterwards her Majties Instructions for the Governor to take to himselfe Twelve hundred pounds Sterling ℔ ann out of the Revenue for his Sallary ; by Revenue he meant Such money as is or shall be Raised for the Support of the Government Whereupon his Excellencey Acquainted them that as hee cold not Accuse his Actions or even his thoughts of anything that may demerit a vote of that nature from them soe he is very much Concerned that he is Distinguished soe much thereby from former Governors. That he hoped noe man would goe about to Dispute the Right the Queene has of appointing a Salary to her Governour, and then Delivering the Speaker a Copy of the aforesaid Instructions hee desired the house to Consider thereof.

At a Councill held at ffort Anne in New York, this 30th *day of October*, 1710.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll SCHUYLER,
Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Mr VAN DAM,
Coll RENSELAER,
Mr MOMPESSON,
Mr BARBERIE,
Mr PHILLIPSE.

Mr Mompesson Chairman of ye Committee to whom the Bill Intituled, An Act to Repeale a Clause in An Act Entituled, An Act agt fforging, Counterfeiting and clipping of fforeign Coin which is Current money in the Colony of New York Reports that they have gone through the Same without Any Amendments.

Ordered, that the Said Bill be Read the third time.

Which was Accordingly Read & Agreed to by this Board.

Ordered, That Mr Mompesson doe Carry the Said Bill to the Assembly and Acquaint them that this Board doe Agree to the Same without any Amendments

A Message from ye Assembly that they Cannot Agree to ye Amendments made by this Board to the Bill Entituled, An Act for Continueing An Act for laying a Duty on the Tonage of Vessells & Slaves

Resolved, that this Board doe Recede from their Amendments to the said Bill

His Excellencey haveing sent the Secretary to Command ye Attendance of ye Assembly they Came

Then his Excellencey told them that Severall Bills haveing past their house and ye Councill lay ready for his Assent, and then assented to these following Bills Enacting the Same and Ordering them to be Enrolled vizt

An Act for Reviveing An Act of Generall Assembly Entituled, An Act for better Settleing the Militia of this Province and makeing it more usefull for the Security and defence thereof.

An Act for Reviveing An Act Entituled, An Act for the Regulateing & Returning able and Sufficient Jurors in Tryalls at law

An Act for laying An Excise on all Strong Liquors retailed in this Colony

An Act for ye better Settlement & Assurance of Lands in this Colony

An Act to Repeale a Clause in An Act Entituled, An Act ag^t fforging Counterfeiting & Clipping of fforeigne Coine which is Current money in the Colony of New York

An Act for Continueing An Act for laying a Duty on the Tonage of Vessells & Slaves

And then his Excellencey went with ye Councill & Assembly to publish them

At a Councill held at ffort Anne in New York, this 2^d of November, 1710.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll SCHUYLER,
Coll D'PEYSTER,
Doctor STAATS,
Coll BEEKMAN,
Coll RENSELAER,
Mr MOMPESSON,
Mr BARBERIE.

A Message from ye Assembly that they have past a Bill Entituled, An Act to prevent the Burneing of Woods to which they desire ye Concurrence of this Board.

Ordered, the Said Bill be Read ye first time Which was Accordingly Read and Ordered to be Read a Second time

Mr Van Dam took his place at ye Board

The Bill Entituled, An Act to prevent the Burneing of Woods Read the Second time and Referred to a Comittee of this Board or any ffive of them

At a Councill held at ffort Anne in New York, this 4th November, 1710.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll SCHUYLER,
Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Coll RENSELAER,
Mr MOMPESSON,
Mr BARBERIE,
Mr PHILLIPSE.

Ordered, That ye Clerk of the Councill doe Acquaint ye Assembly that this Board doe desire that they will appoint a Committee of that house to Joyne ye Committee of this Board or any ffive of them to whom ye Bill Entitled, An Act to prevent the Burneing of Woods is Committed on a Conferrence to be had on the Said Bill at ye house of Mr Harris on Monday next at three of ye Clock in ye Afternoone.

At a Councill held at ffort Anne in New York, this 8th of November, 1710.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
M^r VAN DAM,
Mr BARBERIE.

Ordered, That Coll Renselaer doe Acquaint ye Assembly that this Board doe desire that ye Assembly will appoint a Comittee of that house to Joyne ye Committee of this Board or any ffive of them to whom ye Bill Entituled, An Act to prevent ye burneing of Woods is Committed on a Conference to be had on the Said Bill at the house of Mr Harris betweene ffive & six of ye Clock this Afternoone.

And that Coll Renselaer doe desire ye Assembly to Returne to this Board the Ordinance for ye Establishing of ffees.

A Message from ye Assembly that ye Assembly have passed a Bill Entituled, An Act for Repairing ye Blockhouses, Platforms & other ye ffortifications of ye City of Albany & Towne of Schinectady in the Said County To which they desire ye Concurrence of this Board.

Ordered, the Said Bill be Read ye first time.
Which was Accordingly Read and
Ordered, to be Read a Second time next Councill day.
The Bill Intituled, An Act for ye more Ease of her Majesties Subjects in this Colony Read a Second time and Rejected.

At a Councill held at ffort Anne in New York, this 9th of November, 1710.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll SCHUYLER,
Doctor STAATS,
M^r VAN DAM,
Coll RENSELAER,
Mr BARBERIE.

Doctor Staats Reported from the Committee to whom ye Bill Entituled, An Act to prevent ye Burneing of Woods was Committed that they have gone through ye same and made an Amendment thereto which was Read and Agreed to
And the Bill being Read a third time is past with ye Amendment.
Ordered, That Doctor Staats doe Carry the Said Bill to ye Assembly & Acquaint them that this Board doe Agree thereto with an Amendment to which they desire their Concurrence
Coll Beekman took his place at the Board.
The Bill Entituled, An Act for Repairing of the Blockhouses, Platforms & other ye ffortifications of the City of Albany and Towne of Schinectady in the said County was Read a Second time and Committed to the Gentlemen of this Board or any ffive of them.
Coll D'Peyster took his place at ye Board.
The Reconsidering of ye Ordinance for Regulateing and Establishing ffees is Referred to ye Gentlemen of this Board or any ffive of them

At a Councill held at ffort Anne in New York, ye 10th of November, 1710.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll SCHUYLER,
Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Coll BEEKMAN,
Coll RENSELAER,
Mr BARBERIE.

Coll Schuyler Chairman of ye Committee to whom ye Bill Entituled, An Act for Repairing of ye Blockhouses, Platforms and other ffortifications of the City of Albany and the Towne of Schonectady in ye said County was Committed, Reported that they have gone through the said Bill and made Some Amendments thereto.
Then ye Said Bill with ye Amendments was Read and Agreed to by this Board.
Ordered, That Coll Schuyler doe Carry the said Bill to ye Assembly and Acquaint them that this Board doe agree thereto with Some Amendments to which they desire ye Concurrence of that house
A Message from ye Assembly by Major Willet that ye Assembly doe Agree to the Amendments made by this Board to the Bill Entituled, An Act to prevent the Burneing of Woods.
Ordered, That ye said Bill doe pass this Board
Mr Van Dam took his place at ye Board
The Bill Entituled, An Act to Collect ye Arreares of Taxes Read the first time and Ordered a Second Reading
Then the Said Bill was Read a Second time and Referred to ye Gentlemen of this Board or any ffive of them
Ordered, That Mr Barberie doe Acquaint ye Assembly that this Board doe desire that the Same Committee of the Assembly that Joyned the Committee of this Board on ye Charge in the Treasurers Accounts may Joyne the Said Committee of this Board on the Discharge in the Said Treasurers Accounts (the said Committee haveing only as yet gone through ye said Charge) at ye house of Mr Mackclanan to morrow at three of ye clock in the afternoone and that the said Committee have power to send for Persons and Papers.
A Message from ye Assembly that they have agreed to ye Amendments made by this Board to ye Bill Entituled, An Act for Repairing ye Blockhouses, Platforms & other ye ffortifications of ye City of Albany and Towne of Schonectady in the said County.

At a Councill held at ffort Anne in New York, ye 11th of November, 1710.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll SCHUYLER,
Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
M^r VAN DAM,
Coll RENSELAER,
Mr BARBERIE.

Rip Van Dam Esqr Reported from ye Committee to whom ye Bill Entituled, An Act to Collect ye Arreares of Taxes was Commited that they have gone through ye same without any Amendment.

And the said Bill being Read a third time is past without any amendment.

Ordered, that Mr Van Dam doe acquaint ye Assembly that this Board doe Agree to the said Bill without any Amendment.

Ordered, that ye Secretary doe Acquaint ye Assembly that his Excellencey Commands their attendance in ye Councill Chamber Imediatley.

Mr Phillipse took his place at ye Board.

Coll Jackson brought from ye Assembly a Bill Intituled, An Act for laying a Duty on all Chimneys to which they desire ye Concurrence of this Board.

Which Bill was read ye first time and ordered to be read a second time Which it was and Committed to ye Gentlemen of this Board or any ffive of them.

The Assembly being come his Excellencey in a Speech proposed to them ye paying the remainder of ye sixteene hundred pounds voted by a former Assembly to my Lord Lovelace and then read the Queens Letter to him to that purpose which he desired them to Enter in ye Journalls of their house.

That he is directed by her Majesty to Naturalize the Palatines and therefore Recommended to them to Resume the Consideration of the Bill lately brought into their house for a Generall Naturalization.

And that hee formerly Recommended to them ye putting ye fforts of Albany and Schonectady in a better Condition, without which hee does not think it safe to Trust her Majesties fforces there this Winter and againe Earnestly Recommended to them to Repaire those fforts.

A Message from ye Assembly that they have past a Bill Entituled, An Act for laying a Duty on all Goods sold by Auction or Vendue, to which they desire ye Concurrence of this Board.

Which Bill was Read ye first time and ordered to be Read a Second time.

Which Bill was Read a second time & Referred to ye Gentlemen of this Board or any ffive of them.

The Committee to whom ye Reconsidering ye Ordinance for Regulateing & Establishing ffees was referred haveing made severall amendments thereto are Agreed to with some Alterations.

Ordered, that the said Ordinance be amended accordingly.

Ordered, that ye day for ye commencement of the said Ordinance be Enlarged to ye first day of December next.

At a Councill held at ffort Anne in New York, ye 15th of November, 1710.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
M^r VAN DAM,
Coll RENSELAER,
Mr BARBERIE,
Mr PHILLIPSE.

Mr Phillipse Chairman of ye Committee to whom ye Bill Entituled, An Act for laying a Duty on Goods sold by Auction or Vendue Reports that they have gone through ye same without any amendment.

Ordered, That ye said Bill be Recommitted to ye Gentlemen of this Board or any ffive of them.

Mr Phillipse Chairman of ye Committee to whom ye Bill Entituled, An Act for laying a Duty on all Chimneys was Committed, Reports that they have gone through ye said Bill and made severall amendments thereto which hee delivered in at ye table.

Then ye said Bill with ye amendments was Read a third time and agreed to by this Board.

Ordered, That Mr Phillipse doe Carry ye said Bill to ye Assembly and acquaint them that this Board have agreed to ye same with some amendments to which they desire ye Concurrence of that house.

A Message from ye Assembly by Mr Jansen that ye Assembly have past a Bill Entituled, An Act to Enable ye Corporation of ye City of New York to hold plea of fforeigne attachments and

for Confirming to them their antient Rights, Customes & Liberties as ye same are Given, Granted & Confirmed unto them by their Charter, to which they desire ye Concurrence of this Board.

Ordered, the said Bill be Read ye first time

Which was accordingly Read and ordered to be Read a second time

At a Councill held at ffort Anne in New York, ye 16th of November, 1710.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr &c.,

Coll SCHUYLER,	Coll BEEKMAN,
Coll D'PEYSTER,	Coll RENSELAER,
Doctor STAATS,	M^r^ VAN DAM,
Capt WALTER,	Mr BARBERIE.

His Excellencey Communicated to this Board a Letter Directed to him from ye Right hon^ble^ ye Earle of Darthmouth her Majesties Principle Secretary of State Relateing to an Expedition which her Majestie Designed ag^t^ Canada when her affaires will permitt. Wherein his Excellencey is desired to Communicate ye same to her Majties Subjects under his Excellencies Governement

Ordered, that Coll Schuyler do Communicate ye said Letter to ye Assembly & Returne ye same to his Excellencey

Coll Schuyler Returned from ye Assembly with ye aforesaid Letter and ye Assembly thankt his Excellencey for Communicateing ye same to them and Desired a Copy of ye said Letter.

Ordered, that a Copy of ye s^d^ Letter be Delivered to ye Assembly.

A Message from ye Assembly by Capt Ward with ye Bill Entituled, An Act for laying a Duty on all Chimneys that they doe not agree to ye amendments made by this Board to a Mony Bill and that they will take Care to Exempt ye Germans in another Bill.

Ordered, that Coll Renselaer doe acquaint ye Assembly that this Board doe desire that they will appoint a Committee of that house to Joyne ye Committee of this Board upon a Conferrence to be had on ye Subject Matter of ye amendments made by this Board to ye Bill Entituled, An Act for laying a Duty on all Chimneys, at ye house of Mr Swift to morrow at six of ye Clock in ye Evening

A Message from ye Assembly that ye Assembly have past a Bill Entituled, An Act for Disposeing of ye stores in ye hands of ye Commissioners at Albany for ye late Expedition to Canada

Ordered, that ye s^d^ Bill be Read ye first time

Which was accordingly Read and ordered to be Read a Second time.

Then ye said Bill was Read ye second time and Committed to ye Gentlemen of this Board or any ffive of them.

At a Councill held at ffort Anne in New York, ye 18th of November, 1710.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll SCHUYLER,	Coll RENSELAER,
Coll D' PEYSTER,	Mr BARBERIE,
Doctor STAATS,	Mr PHILLIPSE.

Adolph Phillipse Esqr for Rip Van Dam Esqr Chairman of ye Committee to whom ye Bill Entituled, An Act for laying a Duty on all Goods sold by Auction or Vendue was Referred Reports that they have gone through ye said Bill and made some amendments thereto Which was Read & Agreed to.

And the said Bill being Read a third time is past with the said Amendments.

Ordered, that Mr Van Dam doe Carry the said Bill to ye Assembly and acquaint them that this Board doe agree thereto with some amendments to which they desire ye Concurrence of that house.

John Barberie Esqr Chairman of ye Committee to whom ye Bill Entituled, An Act for Disposeing of ye stores in ye hands of ye Commissioners at Albany for ye late Expedition to Canada was Referred Reports that they have gone through ye said Bill and made some amendments thereto Which were read and agreed to.

And ye said Bill being Read a third time is past with the said amendments.

Ordered, That Mr Barberie doe Carry ye said Bill to ye Assembly and acquaint them that this Board doe agree thereto with some amendments to which they desire ye Concurrence of that house.

Mr Van Dam took his place.

A Message from ye Assembly that they have past a Bill Entituled, An Act for ye Treasurers paying sundry sūmes of money.

Which Bill was Read ye first time and ordered to be Read a second time.

The said Bill being Read a second time is Committed to ye Gentlemen of this Board or any ffive of them.

Ordered, That Mr Phillipse doe Carry to ye Assembly a Copy of my Lord Darthmouth's Letter to his Excellencey.

A Message from ye Assembly that they cannot agree to ye amendments made by this Board to ye Bill Entituled, An Act for Disposeing of ye stores in ye hands of the Commissioners at Albany for ye late Expedition to Canada.

Resolved, that this Board doe Insist on their amendments made to ye said Bill.

Ordered, That Mr Barberie doe acquaint ye Assembly that this Board doe desire them to appoint a Committee of their house to meet a Committee of this Board at ye house of Mr Swift at six a Clock this afternoone on ye subject matter of their said Amendments, and that ye Gentlemen of this Board or any ffive of them be a Committee for that purpose.

A Message from ye Assembly by Mr Lackerman that this Board cannot but be well Informed of the steady & constant Resolution of that house that they doe not admitt of any amendments made by this Board to a Mony Bill.

Resolved, That this Board doe Insist on ye amendments made by them to ye Bill Entituled, An Act for laying a Duty on all Goods sold by Auction or Vendue.

Ordered, That Mr Van Dam doe acquaint ye Assembly that this Board doe desire them to appoint a Committee of their house to meet a Committee of this Board at ye house of Mr Swift at six a Clock this afternoone on ye subject matter of their Message by Mr Lackerman and that ye Gentlemen of this Board or any ffive of them be a Committee for that purpose.

At a Councill held at ffort Anne in New York ye 21th of November, 1710.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Mr VAN DAM,
Mr BARBERIE.

Coll D'Peyster reported from ye committee to whom ye Bill Entituled, an Act for the Treasurers paying Sundry sūmes of money was Committed that they have gone through ye said bill and made some amendments thereto Which he Read in his place and afterwards delivered in at ye table where ye same were read and agreed to And it being proposed that a further amendment be made thereto, the following amendment was made, after the Word [Treasurer] the last word of ye first amendment to the Said Bill add these Words [Which Warrants Shall be a Sufficient Order and Discharge to ye Said Treasurer]

And then the Said Bill with ye Amendments was read a third time and past.

Ordered, That Coll D'Peyster doe Carry ye said Bill to ye Assembly & acquaint them that this Board doe Agree to ye same with Some Amendments to which they desire ye Concurrence of this house.

The Bill Entituled an Act to Enable ye Corporation of ye City of New York to hold Plea of fforeigne Attachment and for Confirming to them their Antient Rights, Customes and Liberties as ye same are Given Granted and Confirmed unto them by their Charter was Read a Second time and Committed to ye Gentlemen of this Board or any ffive of them

A Message from ye Assembly that they Cannot Agree to the Amendments made by this Board to ye Bill Entituled, an Act for the Treasurers paying Sundry Sūmes of Money.

Resolved, that this Board doe Insist on their Amendments made to ye Said Bill.

Ordered, that Coll D'Peyster doe acquaint ye Assembly that this Board does desire that house to Appoint a Committee to meet a Committee of this Board at a Conferrence on ye Subject Matter of ye Amendments to ye Said Bill at ye house of Mr Harris to Morrow in the afternoone at ffive a clock and that the Gentlemen of this Board or any ffive of them be a Committee for that purpose

At a Councill held at ffort Anne in New York, ye 22th of November, 1710.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Doctor STAATS, Mr MOMPESSON,
Capt WALTER, Mr BARBERIE,
Coll HEATHCOTE, Mr PHILLIPSE.

A Message from ye Assembly that they have past a Bill Entituled, an Act to Retrench ye Growing Interest of Bills of Creditt to which they desire ye Concurrence of this Board

Which Bill was Read ye first time and ordered to be Read a Second time.

And it was Read a Second time and Committed to the Gentlemen of this Board or any ffive of them

A Message from ye Assembly that they have past a Bill Entituled, An Act to Enable ye Precincts of Islip in ye County of Suffolk to Elect Two Assessors a Collector, Constable and Supervisor to which they desire ye Concurrence of this Board.

Which Bill was Read the first time and ordered to be Read a Second time.

And it was Read a Second time and Committed to the Gentlemen of this Board or any ffive of them

At a Councill held at ffort Anne in New York, ye 23th November, 1710.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Doctor STAATS, Coll HEATHCOTE,
Capt WALTER, Mr BARBERIE.
Mr VAN DAM,

Mr Barberie for Mr Phillipse Reported from ye Committee to whom ye Bill Entituled, An Act to Retrench ye Growing Interest of Bills of Creditt was Committed that they have gone through ye same without any Amendment.

Which Bill was Read a third time and past without Amendment.

Ordered, That Mr Barberie doe Acquaint ye Assembly that this Board doe Agree to the Said Bill without any Amendment.

Mr Barberie for Mr Phillipse Reported from the Committee to whom the Bill Entituled, An Act to Enable the Precincts of Islip in the County of Suffolk to elect Two Assessors a Collector, Constable and Overseer, was Committed that they have gone through the Said Bill without any Amendment

Which Bill was Read the third time & past without Amendment

Ordered, That Mr Barberie doe Acquaint the Assembly that this Board doe Agree to the Said Bill without any Amendment.

Coll D'Peyster took his place at ye Board.

A Message from ye Assembly that they have pass't a Bill Entituled, An Act for Regulateing & Establishing ffees to which they desire the Concurrence of this Board. It is

Ordered, That ye Said Bill lye on ye Table

At a Councill held at ffort Anne in New York, at three a clock in ye Afternoone 23th *November*, 1710.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Doctor STAATS, Coll HEATHCOTE,
Capt WALTER, Mr BARBERIE.
Mr VAN DAM,

A Message from ye Assembly that they desire this Board to Appoint a Committee to meet a Committee of their house on ye Subject matter of the last Conferrence on ye Amendments made to the Bill Entituled, An Act for ye Treasurers paying Sundry Sūmes of money at ye house of Mr Harris at ffive a clock this Afternoone It is

Resolved that this Board doe Agree to the Said Conferrence desired by the Assembly

Ordered, that ye Gentlemen of this Board or any ffive of them be a Committee for that purpose And that Coll Heathcote doe Acquainte ye Assembly therewith and that this Board doe Appoint that the Said Conferrence be at ye house of Mr Swift at Seaven of ye clock this Evening

At a Councill held at ffort Anne New York, ye 24th November, 1710.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Coll HEATHCOTE,
Mr BARBERIE.

Ordered, That Coll Heathcote doe Acquaint ye Assembly that this Board doe desire that house to Appoint a Committee to meet a Committee of this Board at a Conference on ye Subject matter of ye last Conference on ye Amendments made by this Board to the Bill Intituled, An Act for ye Treasurers paying Sundry Sūmes of money, at ye house of Mr Harris at ffive a clock this afternoone and that the Gentlemen of this Board or any ffive of them be a Committee for that purpose.

At a Councill held at ffort Anne in New York, ye 25th of November, 1710.

PRESENT :— *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
M^r VAN DAM,
Mr BARBERIE.

Mr Barberie Reported that ye Committee of this Board have mett a Committee of the Assembly on the Subject Matter of their last Conferrence on ye Councills Amendments to ye Bill Intituled, An Act for ye Treasurers paying Sundry Sūmes of money, and that ye Committee of the Assembly delivered them their Reasons why they Cannot agree to ye Said Amendments which were read.

Ordered, That further Reasons be drawne for the Councills Insisting on their Said Amendments which was done and they being Agreed to

Ordered, That Mr Barberie do Carry them to ye Assembly.

Mr Phillipse took his Place.

His Excellencey proposed to ye Councill to Prorogue ye Assembly to the ffirst day of March next

Which they approved of

Mr Mompesson took his Place.

Then his Excellencey Sent for ye Assembly who being Come, hee Gave his Assent to ye following Bills, vizt.

An Act to prevent ye Burning of Woods

An Act for Repairing ye Blockhouses, Platforms & other the ffortifications of ye City of Albany & Towne of Schonectady in the Said County.

An Act to Collect ye Arrears of Taxes.

An Act to Retrench ye Growing Interest of Bills of Creditt.

An Act to Enable ye Precincts of Islip in ye County of Suffolk to Elect Two Assessors, a Collector, Constable, and Supervisor

His Excellencey Prorogued ye Assembly to ye ffirst day of March next.

THIRTEENTH ASSEMBLY SECOND SESSIONS.

At a Councill held at ffort Anne in New York, this 12th *day of Aprill*, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,	Mr VAN DAM,
Doctor STAATS,	Mr MOMPESSON,
Capt WALTER,	Mr BARBERIE,
Coll BEEKMAN,	Mr PHILLIPSE.

His Excellencey Sent ye Secretary to ye Assembly to Command their Attendance on him in the Councill Chamber Imediatly

The Assembly being Come his Excellencey made ye following Speech to them vizt

Gentlemen.

I hope you are now Come with a Disposition to Answer the Ends of yor Meeting That is, to provide a Suitable Support for her Majties Government here In the manner she has beene pleas'd to direct, to find out means to Restore the Publick Creditt, and to Provide better for your owne Security.

They abuse you, who tell you that you are hardly Dealt by in the augmentation of Salleries, Her Majesties Instruction which I Communicated to you at our last meeting might have Convinced you that it was her tenderness towards her Subjects in the Plantations, who Suffer'd under an Establish't Custome of makeing Considerable presents to their Governours by Acts of Assembly, that Induc't her to allott to each of them Such a Sallery as She Judg'd Sufficient for their Support in their respective Stations with a Strict Prohibition of all Such presents for the future Which Instruction has mett with a Cheerfull and Gratefull Complyance in all her other Colonies

If you have beene in anything Distinguish't it is by an Extraordinary measure of her Royall Bounty and Care; I hope you will make Suitable Returnes, lest Some Insinuations, much Repeated of late yeares should gaine Creditt at last, That however your Resentment has ffallen upon the Governours, It is ye Government you dislike

It is necessary at this time that you be told also that Giveing Mony for Support of Government and disposeing of it at your pleasure, is ye Same with Giveing none at all, Her Majesty is ye Sole Judge of the Merritts of her servants, It is a Right which has never yet beene Disputed at home, and should I consent to give it upp abroad I should render My Selfe unworthy not only of the Trust reposed in me, but of ye Society of my ffellow Subjects, by Incurring her highest Displeasure.

If I have Tyr'd you with a long speech, I shall make amends by putting you to ye trouble of a very short answer.

Will you support her Majties Government in the meanes she has been pleas'd to direct, or are you Resolved that Burthen shall lye still upon the Governour who cannot accuse himselfe of any thing that may have deserv'd this Treatment at yor hands

Will you take care of the Debts of the Governement, or to Increase my sufferings must I continue under the torture of the dayly Cryes of such as have Just demands upon you and are in misery, without the power of Giveing them any hopes of Releife.

Will you take more effectuall care of yor owne safety in that of yor ffrontiers or are you resolv'd for the future to relye upon the security of an open winter and the Caprice of yor savage Neighbours

I shall be sorry if this plainess offends you, I Judg'd it necessary toward the Establishing and Cultivateing a good understanding betwixt us and I hope it will be soe constructed and Wish heartilly it may have that effect.

Ordered, That ye Gentlemen of ye Councill or any ffive of them whereof ye Cheife Justice to be one doe prepare and bring in a Bill for Naturalizeing fforeigne Protestants

At a Councill held at ffort Anne in New York, this 20th *day of Aprill*, 1711.

PRESENT— *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,	Mr VAN DAM,
Doctor STAATS,	Coll HEATHCOTE,
Capt WALTER,	Mr MOMPESSON,
Coll BEEKMAN,	Mr BARBERIE.

His Excellency acquainted this Board that the Speaker of the Assembly was with him this morning to tell him that a great majority of the house are of opinion they cannot regularly or legally sitt and that they are resolved to goe to their respective homes

The Reason for this opinion is said to be His Excelencies Prorogueing them by Proclamation dated in New Jersey, Tho' the Lords of Trade have fully Resolved the doubt which formerly arose concerneing the Governours sending orders to New Jersey when he is in New York, and soe of his sending orders to New York when he is in New Jersey, and of their Invalidity, Declareing that it is a very groundless & unreasonable opinion, the Contrary being practiced every day there by the Lords Lieutenants of Counties, and particularly by the Lords Lieutenants of Ireland who frequently send orders into Ireland whilest they are Resident in England.

Where upon his Excellencey Desired the Gentlemen of ye Councill to Give their opinion on what is proper for his Excellencey to doe on this Conjuncture, Who are of opinion that since the Assembly are Resolved not to act Notwithstanding that opinion of ye Lords of Trade has been Communicated to them by his Excellencey, That it will be adviseable for his Excellencey to send for the house and Dissolve which they would otherwise doe themselves.

Then his Excellencey sent ye Secretary to sumon them to attend him Imediately in ye Councill Chamber. Which hee did.

The Assembly being come his Excellencey made ye following speech to them Whereby they are Dissolved

Gentlemen.

A Notion haveing unhappilly beene started amongst you with Relation to the Governours doeing acts of Governement in the affaires of this Province, whilest he himselfe is in the Jerseys, Which the Lords of Trade have Declared to be very Groundless and unresonable; however it seems as I am Informed by your Speaker, It has beene of fforce enough to Incline you not to Continue any longer acting as a house of Representatives, ffor which Reason I have with the advise of her Majties Councill here thought it necessary for her service to DISSOLVE you, and you are accordingly DISSOLVED.

[IN EXECUTIVE SESSION.]

10 *May*, 1711.

His Excellency desired ye opinion of ye Councill concerning the calling a New Assembly, who are unanimous that an Assembly should be called with what expedition possible.

Ordered, That Writts issue for calling an Assembly to sitt ye Twentieth day of June next.

16th *June*, 1711.

It is the opinion of this Board, that his Excellency issue a Proclamation for prorogueing the Assembly to ye second day of July next.

FOURTEENTH ASSEMBLY FIRST SESSIONS.

At a Councill held at ffort Anne in New York, this 2d day of July, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,
The Honble FFRANCIS NICHOLSON, Esqr.,

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Mr VAN DAM,
Mr BARBERIE.

His Excellencey Sent ye Secretary to ye Assembly to Command their Attendance in ye Councill Chamber Imediatley.

Whereupon they Came and took ye oaths appointed to be taken Instead of ye oaths of Allegiancey & Supremacey and took & Subscribed ye Test and Abjuration oath and then his Excellencey Recommended to them to Choose a Speaker to be presented to him

Then they Returned and presented William Nicoll Esqr their Speaker whom his Excellencey approved of

Then his Excellencey made ye following Speech to them which follows in hec Verba.

Gentlemen,

What I have Cheifly to Impart and Recommend to you at this time is ye Expedition her Majtie has Undertaken against the Common Enemy In these parts for Asserting her Just Rights and procuring a Solid and lasting Security Amongst other Blessings to her good Subjects on this Continent and their posterity as it is most pathetically Set forth In the Preamble of her Royal Instructions for that purpose, which I am Commanded to Comūnicate to you.

I am farr from Intertaining the least Doubt of yor Ready Complyance with what is Expected on yor part on this occasion. Her Majestys Honour and your Interest Inseparable from her's being the prize you Contend for, I must only with all earnestnesse recommend dispatch, upon which the whole design seems now to depend, The Fleet and forces being already arrived at Boston, In good Condition and health Compleatly furnisht with all things necessary for so great and glorious an Enterprize and wait for nothing but the Expediting of What is necessary and required on yor part

According to the Repartition of the Land force appointed to act on this Side undr the Command of Generall Nicholson agreed upon in the Councill of Warr Assembled at New London by her Majtys Ordr Yor Quota amounts to Six hundred private Centinalls besides Officers, as you'll observe by this Schedule mark'd (A)

Besides the necessary provisions for that Number It will be requisite you find ways and means for their pay and that of their field Staffe and other officers, ffor building a Sufficient number of Battoes for Transporting them & their provisions, for Subsisting the Indians of the five Nations and River Indians, for paying and Subsisting those of Long Island who were found to be of great use In the Last Attempt of this Kind for the Twelve pence ℔ day augmentacōn of the Lievts pay Sent hither, as her Majesty has directed and for Such other Contingent Charges as must arrise upon Such occasions and you yor Selves Shall Judge requisite

By the Invoice mark'd (B) you will be made acquainted with her Majestys Signal bounty In Arming Cloathing and Equipping the forces to be raised by you, and furnishing very considerable Stores of Warr for this Undertaking all which are arriv'd at Boston and what is distin'd for us Expected here every moment.

There is one thing that would contribute much toward the redeeming of time which is all that can be thought of which may be wanting on this occasion, that is the Entring fourthwith upon resolves If you so please for the Incouragement of Volunteers, An Act for that purpose being of Such a Nature as may require time, dureing which upon the Credit of your Votes the Levy's may proceed. One thing more is necessary that you State the prices of provisions and other requisit's by a resolve of your house, to prevent extravagant demands at this time.

When you have gone through what is requisite for this Important Service I must recommend to you the Support of Government The Publick Debts, and the Care of yor ffronteers all which very much require your Consideracōn at this time.

At a Councill held at ffort Anne in New York the 11th *day of July*, 1711.

PRESENT :— *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Mr VAN DAM,
Coll HEATHCOTE,
Mr BARBERIE,
Mr PHILLIPSE.

A Bill Entituled, An Act for Raiseing fforces to Assist in ye Expedition to Canada was Read the ffirst time and ordered to be Read a Second time Imediately.

The Said Bill was Read a Second time and Committed to ye Gentlemen of this Board or any ffive of them.

At a Councill held at ffort Anne in New York this 11th *day of July*, 1711,
At ffive a clock in ye afternoone.

PRESENT :— *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Doctor STAATS,
Capt WALTER,
Mr VAN DAM,
Coll HEATHCOTE,
Mr MOMPESSON,
Mr BARBERIE,
Mr PHILIPSE.

Mr Mompesson Chairman of ye Committee to whom ye Bill Intituled, An Act for Raiseing fforces to Assist in ye Expedition to Canada was Referred Reported that they had gone through ye Said Bill and made an Amendment thereto which he read in his place and afterwards delivered ye Same in at ye Table Where ye Same was Read & Agreed to with ye Said Amendment.

Ordered, That Mr Mompesson doe Carry ye Said Bill to ye Assembly & Acquaint them that this Board doe Agree thereto with an Amendment to which they desire their Concurrence.

A Message from ye Assembly by Mr Van Brunt That ye Assembly doe Agree to ye Amendments made by this Board to ye Said Bill with an Amendment thereto.

Ordered, That Mr Phillips doe Acquaint ye Assembly that this Board doe Agree to ye Amendments made by that house to ye Amendment made by this Board to ye Said Bill

Then his Excellencey Sent ye Secretary to Command ye Attendance of ye Assembly who being come His Excellencey assented to ye Said Bill Enacting ye Same and Ordered it to be Enrolled

And then his Excellencey went with ye Councill & Assembly to publish ye Said Act.

At a Councill held at ffort Anne, in New York ye 17th *day of July*, 1711.

PRESENT :— *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Coll BEEKMAN,
Mr VAN DAM,
Mr MOMPESSON,
Mr BARBERIE,
Mr PHILLIPSE.

A Message from ye Assembly by Coll William Willet and Major Van Brunt that ye house have not made any Calculation for any provisions for ye ffive Nations or River Indians in Consideration of ye poverty of ye Colony and ye Great Burthen still unpaid to be born alone by this Plantation by which in ye last unhappy attempt they were Subsisted without Contribution from ye Neighbouring Colonyes or otherwise and to Request his Excellencey ye provisions for those Nations & Indians may be paid out of ye ffunds appointed by her Majty for ye furtherance of this Expedition.

At a Councill held at ffort Anne in New York, ye 19th day of July, 1711.

PRESENT:— *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
M^r VAN DAM,
Mr MOMPESSON,
Mr BARBERIE,
Mr PHILLIPSE.

The Bill Intituled, An Act to appoint Commissioners to purchase provisions & other Necessaryes for ye Expedition to Reduce Canada was Read twice & Committed to ye Gentlemen of this Board or any ffive of them

Mr Phillipse Reported from ye Committee to whom ye Said Bill was Committed that they have gone through ye Same without Amendment

The Said Bill was Read a third time and past without Amendment

Ordered, That Mr Phillipse doe Acquaint ye Assembly that this Board doe Agree to ye Said Bill without Any Amendment

The Bill Entituled, An Act to Enable Thomas Whitehead to Sell and Dispose of Some part of ye Lands Devised to him by his ffather under Limitation of a Generall Intaile was Read twice and Committed to ye Gentlemen of this Board or any ffive of them.

Att a Councill held at ffort Anne in New York, this 20th day of July, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
M^r VAN DAM,
Mr MOMPESSON,
Mr BARBERIE,
Mr PHILLIPSE.

The Bill Entituled, An Act for ye better Encouragement of Volunteers that shall List themselves to goe on ye present Expedition ag^t Canada to make upp ye number of Men to be Levyed by ye City of New York pursuant to An Act of Generall Assembly passed this present Sessions Intituled, An Act for Raising ffforces to assist in ye Expedition to Canada was Read twice & Committed to the Gentlemen of this Board or any ffive of them

The Bill Entituled, An Act Levying ye Sume of Ten thousand pounds was Read twice & Committed to ye Gentlemen of this Board or any ffive of them

At a Councill held at ffort Anne in New York, ye 21th day of July, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll SCHUYLER,
Coll D'PEYSTER,
Doctor STAATS,
M^r VAN DAM,
Mr MOMPESSON,
Mr BARBERIE,
Mr PHILLIPSE.

Mr Mompesson Chairman of ye Committee to whom ye Bill Entituled, An Act for Levying ye Sume of Ten thousand pounds was Committed Reported that they have gone through ye Said Bill without Any Amendment.

The Said Bill was Read a third time and past without any Amendment.

Ordered, That Mr Mompesson doe Acquaint ye Assembly that this Board doe agree to ye Said Bill without any Amendment.

A Bill Intituled, An Act for ye better Rewarding of Volunteers on ye present Expedition against Canada to be Levyed in the Cityes of New York & Albany, and ye pay of other Officers and uses relateing to ye Same Expedition, was Read ye first time & Ordered to be Read a Second time Imediatley

Which was Accordingly Read a Second time and Committed to the Gentlemen of this Board or any ffive of them

At a Councill held at ffort Anne in New York, ye 23th day of July, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Doctor STAATS,
Coll BEEKMAN,
M^r VAN DAM,
Mr MOMPESSON,
Mr BARBERIE.

Mr Barberie Reported from ye Committee to whom was Committed the Bill Entituled, An Act to Enable Thomas Whitehead to Sell and Dispose of Some part of the lands Devised to him by ye Will of his ffather under ye Limitation of a Generall Intaile, That they have gone through ye Same and made Some Amendment thereto which were Read & Agreed to by ye Board.

And ye Said Bill was Read a third time and past with ye Amendments.

Ordered, That Mr Barberie doe Carry ye Said Bill to ye Assembly and Acquaint them that this Board doe agree to ye Same with Some Amendments to Which they desire ye Concurrence of that house.

Mr Barberie for Mr Phillipse Reported from ye Committee to Whom Was Committed the Bill Entituled, An Act for ye better rewarding of Volunteers on ye present Expedition against Canada to be Leveyed in ye Cityes of New York and Albany and ye pay of other officers and uses Relateing to ye Same Expedition, that they have gone thro' ye Same without any Amendment

Which Bill was Read a third time and agreed to without Amendment

Ordered, that Mr Barberie doe acquaint ye Assembly that this Board doe agree to ye Said Bill without any Amendment.

Ordered, That Mr Barberie doe putt ye Assembly in mind of Imploying Armed Sloops to Cruise on this Coast dureing ye Expedition Especially Since the Men of Warr on this Station being ordered to goe on ye Expedition

At a Councill held at ffort Anne in New York, ye 25th day of July, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Coll HEATHCOTE,
Mr MOMPESSON,
Mr PHILLIPSE.

Ordered, That ye Gentlemen of this Board or any ffive of them doe prepare and bring in a Bill to prohibit ye Selling or Giveing Rum or other Strong Liquors to ye Indians in ye City and County of Albany and to prevent persons from buying the Cloaths, Accoutrements and Arms given by her Majesty to ye fforces in this and the Neighbouring provinces.

A Bill Intituled, an Act for ye more Effectuall putting in Execution an Act of Generall Assembly Entituled, an Act for laying a Duty on the tonnage of Vessells and Slaves was Read twice & Committed to the Gentlemen of this Board or any ffive of them.

A Bill Entituled, an Act for Continuing an Act Entituled, an Act for laying an Excise on all Strong Liquors in this Colony was Read twice and Committed to ye Gentlemen of this Board or any ffive of them.

A Message from ye Assembly that they have agreed to ye Amendments made by this Board to ye Bill Entituled, an Act to Enable Thomas Whitehead to sell and Dispose of Some part of ye Lands Devised to him by the Will of his ffather under ye Limitation of Generall Intaile

Ordered, That ye Secretary doe Acquaint ye Assembly that this Board is Informed that ye officer for Collecting ye Dutys on ye Tonnage of Vessels &c has Demanded ye Tonnage of ye Transports that brought her Majesties Stores for ye Expedition for this Port and desire ye Assembly to pass a Resolve for ye Exempting them from that duty in regard they are Actually in her Majesties Service and Soe are to Remaine dureing ye whole Expedition.

At a Councill held at ffort Anne in New York, this 26th day of July, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER, Mr MOMPESSON,
Doctor STAATS, Mr BARBERIE,
Coll BEEKMAN, Mr PHILLIPSE.

Mr Mompesson Reported from ye Committee to whom was Committed the Bill Entituled, An Act for Continueing An Act Entituled, An Act for laying an Excise on all Strong Liquors retailed in this Colony that they have gone through ye same without any amendment

The said Bill was read a third time and past

Ordered, That Mr Mompesson doe acquaint ye Assembly that this Board doe agree to ye said Bill without any amendment.

Mr Mompesson according to order from ye Committee brought in a Bill Entituled, An Act for Reviveing An Act to prevent Selling or Giveing of Rum or other Strong Liquors to ye Indians and to prevent the Imbezleing of any of ye cloathing, arms or accoutrements sent by her Majesty for ye service of the present Expedition.

Which Bill was Read twice & Committed to ye Gentlemen of this Board or any ffive of them

The Bill Entituled, An Act for ye Currencey of Bills of Creditt for Twenty ffive thousand ounces of plate was read twice and Committed to ye Gentlemen of this Board or any ffive of them

Mr Van Dam took his place at ye Board

Coll Heathcote Reported from the Committee to whom was Committed ye Bill Entituled, An Act for Reviveing An Act Entituled, An Act to prevent Selling or Giveing of Rum or other Strong Liquors to the Indians and to prevent ye Imbezling of any of the Cloathing, Arms or Accoutrements sent by her Majesty for ye service of the present Expedition, that they have gone through the same without any amendment.

Ordered, that ye said Bill be Engrosed.

Mr Mompesson Chairman of ye Committee to whom ye Bill Entituled, An Act for the more effectuall putting in Execution An Act of Generall Assembly Entituled, An Act for laying a Duty on ye Tonage of Vessells and Slaves Reported that they have gone through the same without any amendment

Which Bill was Read a third time and past.

Ordered, That Mr Mompesson doe acquaint the Assembly that this Board doe agree to the said Bill without any amendment

His Excellencey Referred to a Committee of ye Councill some proposalls for ye Defence of the Province dureing ye Expedition

At a Councill held at ffort Anne in New York, ye 26th day of July, 1711,
At three in ye Afternoon.

PRESENT— *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER, Mr VAN DAM,
Doctor STAATS, Coll HEATHCOTE,
Capt WALTER, Mr MOMPESSON,
Coll BEEKMAN, Mr BARBERIE.

Mr Mompesson Reported from the Committee to whom was Committed the Bill Entituled, An Act for ye Currencey of Bills of Creditt for Twenty ffive thousand ounces of plate That they have gone through the same without any amendment.

Which Bill was Read a third time and past without amendment.

Ordered, That Mr Mompesson doe acquaint the Assembly that this Board doe Agree to ye Bill Intituled, An Act for ye Currencey of Bills of Creditt for Twenty ffive thousand ounces of Plate without any amendment.

The Ingrosed Bill Intituled, An Act for Reviveing An Act Entituled, An Act to prevent Selling or Giveing of Rum or other Strong Liquors to ye Indians, and to prevent ye Imbezleing of any of ye cloathing Arms or Accoutrements sent by her Majty for ye service of ye Expedition Read a third time and past ye Councill.

Ordered, That Coll Heathcote doe Carry the Said Bill to ye Assembly And desire their Concurrence thereto.

An Act Entituled, An Act for ye Levying a Tax on ye City and County of New York for a Guard of her Majesties ffort Anne in the Colony of New York dureing ye present Expedition agt Canada.

Read the ffirst time and Ordered a Second Reading

Which was Read accordingly a Second time and Committed to ye gentlemen of this Board or any ffive of them.

The Secretary being Sent to ye Assembly to Acquaint them that his Excellencey Commands their Attendance in ye Councill Chamber Imediatley and ye Assembly being Come his Excellencey Gave ye Assent to the following Bills Enacting ye Same and Ordered them to be Enrolled, vizt.

An Act to Appoint Commissioners to purchase provisions and other Necessaries for ye Expedition to Reduce Canada.

An Act to Enable Thomas Whitehead to Sell and Dispose of Some part of ye Lands Devised to him by his ffathers Will under the Limitation of a Generall Intaile.

An Act for Levying ye Sūme of Tenn thousand pounds.

An Act for ye better Rewarding of Volunteers on ye present Expedition against Canada to be Levyed in the Cities of New York and Albany And to pay of Other Officers and uses relateing to ye Same Expedition.

An Act for ye Continueing An Act Entituled, An Act for laying an Excise on all Strong Liquors retailed in this Colony.

An Act for ye more Effectuall putting in Execution An Act of Generall Assembly Entituled, An Act for laying a duty on ye Tonnage of Vessells and Slaves.

An Act for ye Currencey of Bills of Creditt for Twenty ffive thousand Ounces of Plate.

At a Councill held at ffort Anne in New York, this 27th *day of July*, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER, Mr MOMPESSON,
Doctor STAATS, Mr BARBERIE.
Coll HEATHCOTE,

A Message from ye Assembly that they Agree to ye Bill Intituled, An Act for the Reviveing An Act Entituled, An Act to prevent the Selling or Giveing of Rum or other Strong Liquors to ye Indians And to prevent the Imbezleing of any of the Cloathing Arms or Accoutrements Sent by her Majesty for ye Service of ye present Expedition with an Amendment.

Which was Read & Agreed to by ye Board.

Ordered, That Coll Heathcote doe Acquaint ye Assembly that this Board doe Agree to their Amendment thereto.

At a Councill held in New York, this 27th *day of July*, 1711,
At three in ye Afternoone.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.

Coll D'PEYSTER, Mr BARBERIE,
Coll HEATHCOTE, Mr PHILLIPSE.
Mr MOMPESSON,

His Excellencey Recommended to ye Councill to think of Some Methods for a Bill to Impress Vagrants and Idle persons in this Province in Order to man her Majesties Guard ships Attending this Province the better to Guard ye Coast dureing ye present Expedition.

At a Councill held at ffort Anne in New York, this 28th *day of July*, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER, Mr MOMPESSON,
Doctor STAATS, Mr BARBERIE,
Coll HEATHCOTE, Mr PHILLIPSE,
M^r VAN DAM,

His Excellencey in Councill proposed to Reccommend to ye Assembly to prepare and bring in a Bill for Recruiting her Majesties Land and Sea fforces on this present Expedition by Enableing

Justices of ye peace to Apprehend & Secure Deserters from ye Land or Sea Service, And to Raise and Levy Such Able bodyed Men as have not any lawfull Calling or Imployment or doe not follow or Exercise the Same, or doe not make use of any lawfull means for their Support and maintenance with proper paines and penalties for Rendring the Said Act more Effectuall.

Ordered, That Mr Mompesson doe Carry the Said Message to ye Assembly.

His Excellencey haveing Referred to a Committee of this Board to fform a Scheme for ye Security and defence of this Province dureing ye Expedition. The Said Committee Accordingly laid before his Excellencey and this Board a Scheme for that purpose Which was Read and approved Which is as followeth vizt.

May it please yor Excellencey.

Your Excellencey in Councill ye 26th of July Instant haveing Referred to a Committee of ye Councill Some proposalls for ye Defence of the Province dureing ye Expedition. In obedience thereto.

The Said Committee humbly Conceive that two Sloops of Eighty Men apeice or else one vessell of 150 men would be very usefull for ye Security of this Coast and the Navigation of this Province as well as Discovering an Enemy in Case any should appeare. If meanes cold be found to Man Victuall and to Defray the other Necessary Charges that may attend thereupon.

That they Conceive that ye readyest way of Giveing Intelligence of ye approach of ye Enemy by Sea will be by haveing Beacons Erected at ye following places, vizt. (at each of which there ought to be a Great Gunn ready loaded and primed to be ffired off at the time of ffireing each Beacon)

One at ye high Lands of Never Sincks One other at ye Inside of Sandy hook that may be Seene from thence

One other upon Some Eminence on Staten Island that may bee Seene from the last mentioned, and that may be Seene from thence on Long Island

One other at ye Narrows on Long Island.

That to each of these Beacons there should be a Constant Watch of three men at least.

And that those at Long Island must be Troopers with their horses ready Equipt to post Away to ye fferry the Minute the Beacon is light to Give Intelligence here.

That Generall Directions be Given at all these Beacons that upon Sight of three Shipps or more they Shall Imediatley light these Beacons.

That upon the Sight of these Beacons being light the Militia both horse and ffoot shall Imediatley appeare in their propper Arms at their Usuall Rendevouze without further Orders.

And least these Lights Should not be Seene that for further Security Two other of ye horsemen posted at ye Narrows shall post Away One to ye Commanding Officer of Kings County and ye other to ye Commanding Officer of Queens County who upon Such Notice Shall Imediatley gett their Regiments in Arms and forthwith March them to ye ferry without further Orders.

And that ye Coll or Commanding Officer of Queens County Shall upon the Notice Aforesaid Dispatch an Express to ye Commanding officer of Suffolk County, who ought to gett his Regiment in Arms and March in like manner.

That ye Watch at ye Beacon at Staten Island doe likewise at ye ffireing of that or Any other Beacon forthwith Give Notice to ye Commanding Officer there who is to gett his Regiment in Arms and March to Such proper places as his Excellencey Shall think fitt that are Most Convenient for Imbarcation to this City.

That ye like Directions ought to be Given for ye Watchers at ye two Beacons at Never Sincks for Giveing ye like Notice through ye Severall Countyes in the Jerseys in Order that wee may have all ye Assistance that possible from thence perticularly from Shrewsbury, all along to Orange County

That upon an Intelligence of an Alarm here Express shall be Imediatly Dispatch't to ye Countyes of Westchester and Orange for getting their men in Arms and Sending them hither forthwith

That his Excellencey Concert with ye Governour of Connecticut what ffeices they can Spare us from the Westerne part of that Colony in Case of an Alarm and that they may be ready to march hither upon ye ffirst Notice by an Express.

That in ye meane time it will be necessary that ye Severall Companyes in each respective County Shall frequentley be in Arms and be Exercised soe that one Company Shall every day in ye week be in Arms and that there be one Generall Muster of ye whole Regiment once every month, and that every time they appeare in Arms each Captain Shall not only take Care duely to Exercise his Company but likewise that every Man appeare with good Arms and Amunition pursuant to ye Militia Act.

That Inspection ought to be made into ye ffortifications of this City and Such as are deficient to be Repaired and Such others to be Erected as his Excellencey Shall think propper.

That likewise an Account be Given what Amunition and other Stores are in Store for this City to ye End provision may be made for what may be further needfull

That it would be very usefull that Such persons as have beene Commission Officers or are otherwise Exempted from bearing Arms be fframed into Companyes under propper Officers thereout to be Ready with their Arms and Amunition to appeare in Case of an Allarm.

Ordered, that Mr Mompesson doe Communicate ye same to ye Assembly and desire that they will think of proper Methods for Defraying ye Expenses of Erecting of Beacons Transporting of Guns and Sending Expresses and other necessary Charges that may Accrue upon that occasion

His Excellencey & Councill proposed ye Recommending to ye Assembly to Give propper Directions to ye Commissioners for providing necessaries for ye Expedition to defray ye Charges of Building ye Battoes for ye Transportation of ye Quota of fforces Raised in this Province for ye Expedition,

Ordered, That Mr Mompesson doe Communicate ye Same to ye Assembly

At a Councill held at ffort Anne in New York, ye ffirst day of August, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,	Mr VAN DAM,
Doctor STAATS,	Mr MOMPESSON,
Capt WALTER,	Mr BARBERIE.

Ordered, that Mr Barberie doe desire ye Assembly to prepare a Bill for ye effectuall punishing of Mutiny Desertion & Disobedience as well in any of the Troops Raised for the present Expedition agt Canada as in any of ye Militia of this Province dureing ye Continueance of the Said Expedition

At a Councill held at ffort Anne in New York, this 2d day of August, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Doctor STAATS,	Coll HEATHCOTE,
Coll BEEKMAN,	Mr BARBERIE,
Mr VAN DAM,	Mr PHILLIPSE.

The Bill Intituled, an Act for ye Security and defence of this Colony dureing the Expedition to Canada was Read twice and Committed to ye Gentlemen of this Board or any ffive of them.

Coll D'Peyster and Capt Walter took their places at ye Board

The Resolve of ye Assembly upon the Message sent by this Board to them yesterday Relateing to ye punishment of Mutiny Desertion and Dissobedience togeather with ye Act relateing to y Militia is Referred to ye Consideration of ye Gentlemen of this Board or any ffive of them.

At a Councill held at ffort Anne in New York, ye 3d day of August, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,	Coll HEATHCOTE,
Doctor STAATS,	Mr BARBERIE,
Mr VAN DAM,	Mr PHILLIPSE.

Mr Phillipse Reported from the Committee to whom was Committed the Bill Intituled, an Act for ye Security and defence of this Colony dureing ye Expedition to Canada, that they have gone through the same and made Some Amendments thereto which were Read and agreed to by ye Board.

Then the Bill was Read a third time with ye Amendments and past

Ordered, That Mr Phillipse doe Carry the Said Bill to ye Assembly and acquaint them that this Board doe agree to ye Same with Some Amendments to which they desire ye Concurrence of that house

At a Councill held at ffort Anne in New York, ye ffourth day of August, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER, Mr BARBERIE,
Doctor STAATS, Mr PHILLIPSE.
Capt WALTER,

A Message from ye Assembly that they agree to all ye Amendments made by this Board to ye Bill Entituled, an Act for ye Security and defence of this Colony dureing ye Expedition to Canada Except ye 2^d 3^d 4th & 5th Amendments.

Resolved, that this Board doe Recede from ye 2^d 3^d 4th & 5th Amendments to ye Said Bill.

Ordered, That Mr Phillipse doe acquaint ye Assembly therewith.

Ordered, That ye Secretary doe Command ye Attendance of ye Assembly here Imediatley

Who being Come his Excellencey gave his Assent to ye following Bills, vizt

A Bill Intituled, An Act for Reviveing an Act Entituled, An Act to prevent Selling or giveing of Rum or other Strong Liquors to ye Indians, and to prevent ye Imbezleing of any of ye Cloathing Arms or Accoutrements Sent by her Majesty for the Service of ye present Expedition.

A Bill Entituled, An Act for the Security and defence of this Colony dureing ye Expedition to Canada.

Then his Excellencey made the following Speech to them and prorogued them to ye Tenth day of September next.

Gentlemen.

I thinke my selfe obliged to thank you in her Majesties name for what you have done at this time toward assisting her in this Great Expedition now in hand against her and your Enemyes, and I make noe doubt but by the blessing of God yor Endeavours will meet with Suitable Success. The apprehension of dainger the Season of the yeare and yor owne desires have determined me to prorogue you for some Small time And you are accordingly prorogued to ye Tenth of September next Ensueing at which time I hope to meet you here with a cheerfull Disposition to take effectuall Care of what has beene soe long under deliberation and what soe nearly concernes you, that is ye Support of Government, the Publick Debts and ye Security of yor ffronteers.

[N. Y. Colonial MSS., LVI., 97.]

BY HIS EXCELLENCEY

ROBERT HUNTER Esqr Capt Generall and Governour in Cheife of the Provinces of New York, New Jersey & Territories thereon depending in America and Vice Admirall of the Same &c

A PROCLAMATION.

WHEREAS the Generall Assembly of the Said Province of New York Stands prorogued to this day but there not being a Sufficient number of ye Members thereof in Towne to make an house I have therefore thought fitt by vertue of ye power and Authority unto me Given by her Majesty under the Broad Seale of Great Brittain, ffurther to prorogue the Said Generall Assembly and I doe hereby prorogue the Said Generall Assembly unto Monday the ffirst day of October next Of which all her Majesties Subjects in the Said province of New York are to take Notice accordingly.

Given under my hand and Seale at ffort Anne in New York this Twentieth day of September in the Tenth yeare of the Reigne of our Soveraigne Lady Anne by the Grace of God of Great Brittain ffrance and Ireland Queene Defender of the ffaith &c Annoq Din 1711.

Ro: HUNTER.

By his Excellencies Command
GEO. CLARKE.

FOURTEENTH ASSEMBLY SECOND SESSIONS.

Att a Councill held at ffort Anne in New York, this Second day of October, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D PEYSTER,	M^{r} VAN DAM,
Doctor STAATS,	Mr BARBERIE,
Capt WALTER,	Mr BYERLEY.

His Excellencey having sent to the Assembly to Command their Attendance on him in ye Councill Chamber and they being come hee made the following Speech to them—

Gentlemen,

Though yor Meetings have beene frequent, I find with unspeakable Sorrow, the Occasions for them Multiply. The Miscarriage of that Great, that well concerted Enterprize, the Cheife Advantage of which was to redound to you, To her Majesty only the Glory and pleasure of having purchased for you at a very deare rate a lasting tranquility.

I say this fatall miscarriage calls loud for your Utmost application at this time to Obviate the designes of an Enemy Animated by our ill Success and prompted by Revenge who without doubt will Speedilly make Some Attempt upon her Majesties Subjects where they find them most unprovided.

ffor this Cause I must now again with all ye Earnestness Imaginable Intreat you to take into yor thoughts the present State of her Majesties Government here which hitherto hath had noe Support, that the Officers thereof may be Enabled with Chearfull hearts and ready hands to Undertake what may be necessary for our Common Defence.

That you would also Consider and find a Speedy Remedy for the Woefull State of yor ffrontiers at Albany and Schenectady, of which these Letters from the Mayor & Corporation of Albany and the Commissioners of Indian Affaires will Sufficiently Inform you. ffor this purpose I beleive you will Judge it necessary to Continue in pay dureing this Winter Two hundred men at least of the Troops Raised by this Province for Strengthening those Garrisons and to find meanes to Repaire those fforts which at present are in Ruines.

I must also put you in mind that ye Militia Act and will quickley Expire by it's own Limitation, and soe wants a Continuation by another.

The Debts of ye Government Crye soe loud that I am Confident there is noe body here who has not been sometimes moved with a Generous Compassion for those who suffer under them.

ffind out Remedyes for those Evills, and ye best of princes will thank you, yor Enemyes feare you, yor ffellow Subjects applaud you, yor posterity bless you and I with all ye Efforts of my Life Endeavour to serve you

At a Councill held at ffort Anne in New York, this 4th day of October, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,	M^{r} VAN DAM,
Capt WALTER,	Mr BARBERIE,
	Mr BYERLEY.

A Message from ye Assembly that they have past a Bill Entituled, An Act to Authorize the Surviveing Commissioners for ye Expedition to reduce Canada to Act and pursue ye powers Committed to them as fully as if Capt John D'Peyster Dece^{d} were still alive and to make provision in Case of ye Death of any other of ye Commissioners.

Which Bill was read twice & Committed to ye Gentlemen of this Board or any ffive of them.

His Excellencey Acquainted this Board that yesterday he Received a Message from the Assembly to know his Excellencies pleasure if ye Guards & Centinells placed at ye Severall Beacons may not at present be Discharged from that attendance the reason of their being posted there Seeming to be Ceased.

Ordered, That ye Colonell or other Commanding Officer of ye Militia doe Discharge ye Guards & Centinells from ye Said Severall Beacons.

At a Councill held at ffort Anne in New York ye 5th day of October, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
M^r VAN DAM,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

Mr Byerley Chairman of the Committee to whom was Committed the Bill Entituled, An Act to Authorize ye surviveing Commissioners for ye Expedition to Reduce Canada to Act and pursue ye powers Committed to them as fully as if Capt John D'Peyster Dece^d were still alive and to make a provision in Case of ye Death of any other of ye Commissioners, Reported that they have gone through ye Said Bill without Any Amendment.

Which Bill was Read a third time and past.

Ordered, that Mr Byerley doe Acquaint the Assembly that this Board doe agree to ye Said Bill without any Amendment

His Excellencey Sent to Command ye Attendance of ye Assembly who being Come his Excellencey Gave his Assent to ye Aforesaid Bill Entituled, An Act to Authorize ye Surviveing Commissioners for the Expedition to Reduce Canada to Act & pursue ye powers Committed to them as fully as if Capt John D'Peyster Dece^d were still alive and to make a provision in Case of ye Death of any other of ye Commissioners

At a Councill held at ffort Anne in New York ye 17th day of October, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
M^r VAN DAM,
Coll HEATHCOTE,
Mr MOMPESSON,
Mr BYERLEY.

The Bill Sent from ye Assembly Entituled, An Act for ye better Settleing the Militia of this Province and makeing it more usefull for ye Security and defence thereof was read the first time and

Ordered, to be read a Second time; and then

The Said Bill was read a Second time, and Committed to ye Gentlemen of this Board or any ffive of them

His Excellencey Recommended to ye Committee to whom ye aforesaid Bill is Committed to prepare and bring in a Bill for ye better Discovery and more effectually enforceing ye payment of ye Quitt Rents

At a Councill held at ffort Anne in New York, ye 18th day of October, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Doctor STAATS,
Coll BEEKMAN,
M^r VAN DAM,
Coll HEATHCOTE,
Mr BARBERIE,
Mr BYERLEY.

Col Schuyler and Mr. Mompesson took their place at ye Board.

The Bill Entituled, An Act for ye assigning of Sheriffes was read ye first time.

Ordered, That it be Read a Second time.

Att a Councill held at ffort Anne in New York, ye 20th day of October, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll SCHUYLER,
Doctor STAATS,
M^r VAN DAM,
Coll HEATHCOTE,
Mr MOMPESSON,
Mr BARBERIE,
Mr BYERLEY.

Mr Mompesson presented to this Board a Bill Entituled, An Act for ye better Recovery of her Majesties Quitt Rents.

Which Bill was Read the ffirst time and ordered to be read a Second time.

The said Bill was Read a Second time, and Committed to the Gentlemen of this Board or any ffive of them.

At a Councill held at ffort Anne in New York, this 23th day of October, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

Ordered, That ye Secretary acquaint ye Assembly that his Excellencey on his arrivall at Albany did pursuant to their Desire Disband ye fforces Raised by this Province to serve in ye Expedition against Canada Retaineing in pay one hundred and ffifty men or neare that number for ye Defence of the ffrontiers, severall whereof his Excellencey is Informed are since Deserted, and That he will compleat their number out of ye Palatines.

That his Excellencey has given Directions for Repairing ye ffortifications of Albany and Schenectady which is now doeing.

That pursuant to her Majesties Commands hee has Contracted for ye Building Two fforts with a Chappell in each in ye Indian Country with accommodations for Missionaries. The Expense whereof her Majesty is Graciously pleased to Defray.

At a Councill held at ffort Anne in New York, ye 25th day of October, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll SCHUYLER,
Coll D'PEYSTER,
Doctor STAATS,
Coll BEEKMAN,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

The Bill Entituled, An Act for laying a further Duty on ye Tonnage of Vessells and on Slaves and for Repealeing the Acts heretofore made relateing to those Dutyes was Read the first time and

Ordered, to be Read a Second time.

At a Councill held at ffort Anne in New York, ye 26th day of October, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll SCHUYLER,
Coll D'PEYSTER,
Doctor STAATS,
M^r VAN DAM,
Coll HEATHCOTE,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

The Bill Entituled, An Act for laying a Duty on Chimneys and a Poll was Read the ffirst time and Ordered to be Read a Second time

The Bill Entituled, An Act to prevent ye Impaireing the ffortifications was Read ye ffirst time and

Ordered, to be Read a Second time

The Said Bill was Read a Second time and Committed to the Gentlemen of this Board or any ffive of them.

The Bill Intituled, An Act for ye Regulation and Establishment of ffees was Read a ffirst time and ordered to lye on ye Table.

At a Councill held at ffort Anne in New York this 30th *day of October*, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll SCHUYLER,
Doctor STAATS,
Capt WALTER,
M^r VAN DAM,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

The Bill Intituled, An Act to prevent Soldiers & Sailors from Deserting her Majesties Service and Servants and Slaves Deserting their Masters or Mistresses was read ye first time and

Ordered, to be Read a Second time.

Mr Rinders and others appeareing according to order to be heard on their petition against Some Clauses in the Bill Entituled, An Act for Laying a Duty on ye Tonnage of Vessells and on Slaves and for Repealeing ye Acts heretofore made relateing to those Dutyes,

The Said Bill was Read a Second time and the Petitioners haveing beene heard the said Bill was Committed to the Gentlemen of this Board or any ffive of them.

The Bill Entituled, An Act for laying a Duty on Chimneys and a Poll was read the second time and Committed to ye Gentlemen of this Board or any ffive of them.

At a Councill held at ffort Anne in New York, this ffirst day of November, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll SCHUYLER,
Doctor STAATS,
Capt WALTER,
Coll BEEKMAN,
M^r VAN DAM,
Coll HEATHCOTE,
Mr BARBERIE,
Mr BYERLEY.

Mr Van Dam Reported from the Committee to whom was Committed ye Bill Entituled, An Act Reviveing An Act for ye better Settleing the Militia of this Province and makeing it more useful for ye Securety and Defence thereof that they have gone through ye Same without any Amendment.

Ordered, That ye Bill be Read a Third time

The said Bill was Read a Third time and past without any amendment.

Ordered, That Mr Van Dam doe Acquaint ye Assembly that this Board doe Agree to ye said Bill without any Amendment.

Mr Byerley Reported from ye Cõmittee to whom was Committed the Bill Entituled, An Act to prevent the Impairing ye ffortifications that they have gone through the Same without any amendment

Ordered, That ye Bill be Read a Third time.

The said Bill was Read a third time and past without any Amendment.

Ordered, That Mr Byerley doe Acquaint ye Assembly that this Board doe Agree to the said Bill without any Amendment

Coll Heathcote Reported from ye Committee to whom was Committed ye Bill Entituled, An Act for ye better Recovery of her Majesties Quitt Rents that they have gone through the Same and made Some Amendments thereto which were read and agreed to by the Board.

Ordered, That the Bill be Read a third time.

The said Bill was read a third time and past with the Amendments.

Ordered, That ye Bill with ye Amendments be Engrossed.

Mr Byerly for Mr Phillipse Reported from ye Committee to whom was Committed ye Bill Entituled, An Act for laying a Duty on Chimneys and a Poll, that they have gone through the Same and made Some Amendments thereto which were read and Agreed to by ye Board.

Ordered, That ye Bill with ye Amendments be Read a third time.

The said Bill with ye Amendments was Read a third time and past.

Ordered. That Mr Byerley doe Carry the said Bill with ye Amendments to the Assembly and acquaint them that this Board doe agree to ye said Bill with some Amendments to which they desire ye Concurrence of that house.

Mr Barberie Reported from ye Committee to whom was Committed the Bill Entituled, An Act for laying a further Duty on the Tonnage of Vessells and on Slaves and for Repealeing the

Acts heretofore made relateing to those Dutyes, That they have gone through the said Bill and made some Amendments thereto which were Read and Agreed to by the Board.

Ordered, That ye Bill with ye Amendments be Read a third time.

These following Amendments were made to the said Bill.

ffol 1. Line 9th after ye word [Vessell] and before ye word [wholly] Insert the word [not]

ffol. 2^d. Line ye 6th After ye word [the] and before ye word [of] Leave out ye word [Treasurer] and in Lieu thereof Insert these words [Receiver Generall]

After ye word [Colony] in the Same Line and before ye word [for] Insert these words [or Commissioner for Executeing that office for ye time being]

The said Bill was Read a third time and past with ye Amendments.

Ordered, That Mr Barberie doe Carry the said Bill with ye Amendments to ye Assembly and Acquaint them that this Board doe Agree to the said Bill with Some Amendments to which they desire ye Concurrence of that house.

The Bill Entituled, An Act to prevent Soldiers and Sailors from Deserting her Majesties Service and Servants and Slaves Deserting their Masters or Mistresses was Read ye Second time and Committed to the Gentlemen of this Board or any ffive of them.

His Excellencey Communicated a Letter from Coll Dudley Liv^t Generall Nicholson and Coll Vetch Which he Received by Express relateing to Addresses to her Majesty for Reviveing the Expedition against Canada.

Ordered, That ye Gentlemen of this Board or any ffive of them be a Committee to prepare and Addresse to her Majesty Concerneing the late Expedition and to pray her Majesty to Revive it.

At a Councill held at ffort Anne in New York this 2^d day of November, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Doctor STAATS,	Mr BARBERIE,
M^r VAN DAM,	Mr PHILLIPSE,
Coll HEATHCOTE,	Mr BYERLEY.

The Committee to whom it was Referred haveing Drawne an Address to her Majesty it was Read and Agreed to by this Board.

Ordered, That the Secretary lay it before the Assembly and desire their Concurrence therein.

Coll Heathcote left his place.

Coll D'Peyster Capt Walter and Mr Mompesson took their places.

Mr Van Dam for Coll Heathcote Reported from the Committee to whom was Committed the Bill Intituled, An Act to prevent Soldiers or Sailors from Deserting her Majesties service and Servants and Slaves from Deserting their Mastors and Mistresses, That they have gone through the same and made severall amendments thereto which were Read and agreed to by the Board.

And ye following amendments were likewise made thereto

Before ye amendment in ye 24th Line of fol 2 add these words [unless it be persons of good Reputation and well knowne in this province]

At the End of ye Bill add these words [This Act to Continue in force dureing ye Continuation of ye present Warr and untill a peace be proclaimed in this province]

The said Bill with the amendments was Read and Ordered to be Engrossed.

At a Councill held at ffort Anne in New York, this 5th day of November, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll SCHUYLER,	Coll HEATHCOTE,
Coll D'PEYSTER,	Mr BARBERIE,
Doctor STAATS,	Mr BYERLEY.

A Message from ye Assembly that they doe agree to the Address drawne by this Board to her Majesty with some amendments to which they desire ye Concurrence of this Board.

Which were Read and agreed to by the Board.

Ordered. That ye Addresse with the amendments be Engrossed.

Mr Van Dam took his place

The Engrossed Bill Entituled, An Act to prevent Soldiers and Sailors from Deserting her Majesties service and Servants or Slaves Deserting their Mastors or Mistresses was Read a third time and past.

Ordered, That Coll Heathcote doe carry it to ye Assembly and desire their Concurrence thereto.

Capt Walter took his place at ye Board.

The Engrossed Bill Entituled, An Act for ye better Recovery of her Majesties Quitt Rents was Read the third time and past.

Ordered, That Coll Heathcote doe Carry it to ye Assembly and desire their Concurrence thereto.

At a Councill held at ffort Anne in New York, this 8th day of November, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll SCHUYLER,	M^r^ VAN DAM,
Coll D'PEYSTER,	Mr BARBERIE,
Doctor STAATS,	Mr PHILLIPSE,
Coll BEEKMAN,	Mr BYERLEY.

The Liv^ts^ whom her Maj^ty^ Sent hither to be Imployed in the late Expedition haveing Informed his Excellencey that they Intend to Petition ye Assembly for ye Continuance of the additionall pay directed by her Majesty to be paid them by this Province.

Ordered, That Coll Schuyler Acquaint the Assembly that this Board hopes they'l take ye Same into their Consideration and provide for soe many of them at least as were Imployed in the late Expedition Especially Since his Excellencey Intends to Send them to ye ffrontiers, His Excellencey Intending to Recommend to ye Government of Connecticut to doe ye Same for those they Imployed and that he will Endeavour that ye like be done in Jersey.

The Bill Entituled, An Act for Raiseing Two thousand Eight hundred ffifty ffive ounces of plate was Read the first time and Ordered to be Read a Second time.

The Address prepared to her Majesty being Engrossed was Signed by ye Gentlemen of ye Councill present and ordered to be Sent to ye Assembly for them to Signe it likewise.

The Bill Entituled, An Act for Appointing An Agencey for New York at Great Brittain was Read the ffirst time and Ordered to be Read a Second time.

At a Councill held at ffort Anne in New York, this 9th day of November, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll SCHUYLER,	M^r^ VAN DAM,
Coll D'PEYSTER,	Mr BARBERIE,
Doctor STAATS,	Mr PHILLIPSE,
Capt WALTER,	Mr BYERLEY.
Coll BEEKMAN,	

His Excellencey Communicated to this Board a Letter from Governor Dudley with a vote of ye Assembly of Massachusets Bay Concerneing a Meeting of ye Governors on ye Affaire of ye present Warr with the ffrench in Canada and a Letter from Liv^t^ Generall Nicholson and one from Coll Saltonstall on the Same affaire and likewise her Majesties Instructions relateing to ye Quota's of ye Neighbouring provinces of money for Re-building the fforts of Albany & Schonectady and for ye Repartition of Men for ye defence of ye ffrontiers of this Province in Case they be Invaded by an Enemy and then desired ye Opinion of ye Councill thereon.

Whereupon the Season of ye yeare the sitting of ye Assembly here and ye daily Expectations of Some further Accounts of hostillities on ye ffronties which Require his Excellencies presence here being Considered It is ye Opinion of this Board that it will not for those reasons be adviseable or Safe for his Excellencey to goe this ffall to Rhode Island or any where out of this province to ye Congresse and that his Excellencey Acquaint Governor Dudley Governor Soltonstall and ye Governor of Rhode Island what measures are takeing here for ye Defence of ye ffrontiers and to Desire them to use their Endeavours that their provinces may Contribute proportionably pursuant to ye Queens Instructions for ye Defence of ye ffrontiers of this Province which have beene already actually Invaded by the Enemy and that his Excellencey Send a Copy of those Instructions to them and Acquaint them that according to her Maj^ties^ Instructions his Excellencey and Liv^t^ Generall Nicholson have Contracted for ye building two fforts in the Indian Country Which may be Garrison'd out of ye Quota's of men of this & the Neighbouring provinces and to desire them to hasten theirs all they can.

Ordered, That Coll D'Peyster lay before ye Assembly the aforesaid Letters and Vote together with ye opinion of this Board.

His Excellencey likewise Communicated to this Board a Letter from ye Commissioners at Albany and a paper with advice from ye Cinekes

Which Coll D'Peyster is likewise Desired to lay before ye Assembly with a Request from this Board that they will Revive ye Act to prevent ye Selling or Giveing Strong Liquors to ye Indians pursuant to ye desire of ye Commissioners.

The Bill Intituled, An Act for Raiseing Two thousand Eight hundred ffifty ffive ounces of plate was Read the Second time & Committed to the Gentlemen of this Board or any ffive of them

The Bill Entituled, An Act for Appointing an Agencey for New York at Great Brittain was Read a Second time.

Then the question was put, Whether ye Bill be Committed? It past in ye Negative.

Then ye Question was put Whether ye Bill be rejected? It past in ye Affirmative.

Ordered, That the Said Bill be Rejected.

At a Councill held at ffort Anne in New York this 12th *day of November*, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Mr BARBERIE,
Mr BYERLEY.

The Bill Entituled, An Act to Restraine the bringing of any personall Action in the Supreme Court in this Colony under the Value of Twenty pounds was Read the ffirst time and

Ordered to be Read a Second time.

The Bill Entituled, An Act for paying the Arreares due to ye fforces late Raised in the County of Suffolk for ye Expedition Against Canada in the yeare 1709 was Read the ffirst time and

Ordered to be Read a Second time.

At a Councill held at ffort Anne in New York, the 15th *day of November*, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Doctor STAATS,
Capt WALTER,
Coll BEEKMAN,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

The Bill Intituled, An Act for the Treasurers paying Eight thousand and Twenty ffive ounces of plate to his Excellencey was Read the ffirst time and

Ordered to be Read a Second time.

Coll D'Peyster took his place at ye Board.

The Bill Entituled, An Act for ye Treasurers paying Three thousand Seaven hundred and ffifty ounces of plate to his Excellencey was Read the ffirst time and

Ordered to be Read a Second time.

The Bill Intituled, An Act for paying ye Arreares due to ye fforces late Raised in the County of Suffolk for the Expedition against Canada in the yeare 1709 was Read the Second time and Committed to the Gentlemen of this Board or any ffive of them.

A Message from ye Assembly in these words:

Ordered, That Mr Cuyler doe Returne the Bill Entituled, An Act for laying a further Duty on ye Tonnage of Vessells and on Slaves &c And ye Bill Entituled, An Act for laying a Duty on Chimneys and a Poll to ye Councill and acquaint them that this house is well assured they Cannot but be Sufficiently Informed of ye Undoubted right and Constant Resolves of this house not to admitt of Any Amendment to be made by that Board to Money Bills.

Resolved, That this Board doe adhere to their Amendments made by them to the Said Bills

Ordered, That the Gentlemen of this Board or any ffive of them be a Committee to draw up Reasons for their Said Amendments And ye Committee to have power to Send for persons papers and Records

At a Councill held at ffort Anne in New York, the 16th *day of November*, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Doctor STAATS,
Capt WALTER,
Mr VAN DAM,
Mr BARBERIE,
Mr BYERLEY.

The Report of ye Committee for Drawing up their Reasons for makeing Amendments to Money Bills was Read and Confirmed.

Resolved, that Capt Walter Acquaint ye Assembly that this Board was Surprized to find in ye Order of ye Assembly to Mr Cuyler of ye 14th Instant to Returne to ye Councill Two Money Bills to which they had made Some Amendments, That ye Assembly Say they are well assured the Councill Cannot but be Sufficiently Informed of ye Undoubted right and Constant Resolves of that house not to admitt of Any Amendments to be made by ye Councill to Money Bills, for this Board is not Sufficientley Informed either of ye One or ye other, On ye Contrary the Councill find that in An Act passed 1703 Entituled, An Act for Raiseing ffifteene hundred pounds towards Erecting two Batteries at ye Narrows to which ye Councill made many Amendments That ye Assembly Agreed to three & Twenty without any alteration or addition, and to another with Some addition, That this Board likewise finds that the Assembly Agreed to Some Amendments made by ye Councill to ye Bill Entituled, An Act to Charge ye Severall Citys and Countys in this Colony with One hundred fforty three pounds tenn Shillings & Ten pence for fitting and ffurnishing a Roome for ye Generall Assembly with a Lobby in ye City hall of ye Citty of New York, both which, not to Instance in others (which it is Easey to doe from ye begining of Assemblys here) are Enough to show that ye Councill are not Sufficientley Informed of ye Assemblys Undoubted Right and Constant Resolves not to Admitt of Any Amendments to be made by ye Councill to Money Bills.

That ye Councill Conceive that they have a Right to Alter or Amend Money Bills, both from ye practice and likewise by their being a part of ye Legislature Constituted as they Conceive by ye Same power as ye Assembly are Which is by ye mere Grace of ye Crowne Signifyed in the Governours Commission And wee know of noe power the Crowne has given to ye Assembly to take that right from ye Councill by any Resolves of theires, the Councill rather beleive if it wanted any Ratification that her Majesty would be pleased to grant it to ye Councill for they find that the Lords of Trade & plantations are of opinion That ye Councill have Undoubtedly as much to doe in forming of Bills for ye Granting and Raiseing of Money as the Assembly and Consequently have a right to Alter or Amend Any Such Money Bills as well as the Assembly as it may be Seene in ye Lord Cornburys Speech to ye Assembly of this Province ye 27th of September 1706 Which is printed with ye Journals of ye Assembly.

The Bill Entituled, An Act for the Treasurer to pay to his Excellencey Eight thousand and Twenty ffive ounces of plate was Read the second time and Committed to ye Gentlemen of this Board or any ffive of them.

The Bill Entituled, An Act for ye Treasurers paying three thousand seaven hundred & ffifty ounces of plate to his Excellencey was Read ye second time and Committed to ye Gentlemen of this Board or any ffive of them

At a Councill held at ffort Anne in New York, ye 17th *day of November*, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Mr BARBERIE,
Mr BYERLEY.

Mr Byerley Reported from the Committee to whom was Committed ye Bill Entituled, An Act for ye Treasurers paying Three thousand seaven hundred & ffifty ounces of plate to his Excellencey That they have gone through the same without any amendment.

Then the Bill was by Order Read ye third time and past.

Ordered, That Mr Byerley acquaint the Assembly that this Board doe agree to ye said Bill without any amendment

Mr Barberie Reported from the Committee to whom was Committed ye Bill Entituled, An Act for paying ye arrears due to ye fforces late Raised in the County of Suffolk for ye Expedition against Canada in ye yeare 1709 That they have gone through the same and made an amendment thereto.

Which was Read and agreed to by the Board.

Then the Bill with ye amendment was by Order Read the Third time and past.

Ordered, That Mr Barberie doe carry the said Bill with ye amendment to the Assembly and acquaint them that this Board doe agree to the said Bill with an amendment to which they desire ye Concurrence of that house

Coll D'Peyster Chairman of ye Committee to whom was Committed the Bill Entituled, An Act for Raiseing Two thousand Eight hundred and ffifty ffive ounces of plate Reported that they have gone through the same without any amendment

Then the Bill was by Order Read a third time and past

Ordered, That Coll D'Peyster acquaint ye Assembly that this Board doe Agree to ye said Bill without any amendment.

Mr Van Dam took his place at ye Board.

Capt Walter Chairman of ye Committee to whom was Committed ye Bill Entituled, An Act for ye Treasurer to pay to his Excellencey Eight thousand and Twenty ffive ounces of plate Reported that they have gone through the same and made an amendment thereto which was Read and agreed to by ye Board.

Then ye Bill with ye amendment was by Order read the third time and past.

Ordered, That Capt Walter carry ye said Bill with ye amendment to ye Assembly and acquaint them that this Board doe agree to the said Bill with an amendment to which they desire their Concurrence.

His Excellencey Acquainted this Board that hee Received a Message from ye Assembly yesterday Desireing that in Regard ye Season of the yeare is advanced and severall of their members necessitated to depart to their habitation his Excellencey will signifye his pleasure to what time they may best be adjourned.

On Consideration whereof It is

Ordered, that ye Secretary Acquaint the Assembly that Soe Soone as those Bills which lye now before ye Councill and their house for ye Support of Goverment and other Emergent occasions are past his Excellencey will prorogue them till ye next Spring.

A Message from ye Assembly that they have past a Bill Entituled, An Act for Reviveing An Act Entituled, An Act to prevent the Selling or Giveing of Rum or other Strong Liquor to ye Indians in ye County of Albany

Which Bill was Read ye first time and Ordered to be Read a Second time.

The Said Bill was Read a Second time and Committed to ye Gentlemen of this Board or any ffive of them.

Doctor Staats Reported from ye Committee to whom was Committed the Bill Entituled, An Act for Reviveing An Act Entituled, An Act to prevent ye Selling or Giveing of Rum or other Strong Liquors to ye Indians in ye County of Albany that they have gone thro' ye Same without Any Amendment.

Then the Said Bill was by Order read the Third time and past.

Ordered, That Doctor Staats Acquaint ye Assembly that this Board doe Agree to the Said Bill without Any Amendment.

At a Councill held at ffort Anne in New York, ye 19th day of November, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Doctor STAATS,
Mr VAN DAM,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

His Excellencey Communicated to this Board the Answer of ye Assembly of Satturday last to ye Councills Message to them of ye day before Which follows in these words vizt.

Die Sabbati 17° Novembris 1711.

The Message from ye Councill yesterday by Capt Walter being taken into Consideration

Ordered, That ye following Answer be Returned to that Board vizt.

The Generall Assembly of this Colony by many Cleare Reasons are fully Satisfyed with the right they have not to admitt of any Amendments by the Councill to Money Bills And therefore Continue their former Resolutions.

Tis true the Share the Councill have (if any) in the Legislation does not flow, from any Title they have from ye nature of that Board, Which is only to advise, or from their being Another Distinct State or Ranke of People in the Constitution, Which they are not, being all Commons but only from ye mere pleasure of the Prince Signifyed in ye Commission.

On the Contrary the Inherent Right ye Assembly have to Dispose of ye Moneys of ye ffreemen of this Colony does not proceed from any Commission, Letters Patents, or other Grant from ye Crowne but from ye ffree choice and election of ye people who ought not to be Divested of their property (nor Justly Can) without their Consent, any former Condiscentions of other

Assemblys will not prescribe to ye Councill a priviledge to make any of those Amendments, and therefore they have it not.

If the Lords Commissioners for Trade and plantation did Conceive noe reason why ye Councill should not have ye right to Amend Money Bills, is farr from Concludeing there is none, the Assembly understand them very well, and are Sufficiently Convinced of ye necessity they are in not to admitt of any Incroachment soe much to their prejudice.

Ordered, That Major Van Brunt doe carry this answer to ye Councill.

By order of ye Generall Assembly
GAB^ll^ LUDLOW, Cl.

The Consideration thereof is Referred to a fuller Board.

His Excellencey took Notice that ye said Message is not Entred in the votes. Whereupon It is

Ordered, That ye Secretary Inquire of ye Clerk of ye Assembly why that Message is not Inserted in ye votes, and to Require his Answer in Writeing.

The Bill Entituled, An Act for Sundry Sūmes of money to be paid by ye Treasurer was Read the ffirst time and Ordered to be Read a Second time

At a Councill held at ffort Anne in New York, ye 20th day of November, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Capt WALTER,
M^r^ VAN DAM,
Mr BARBERIE,
Mr BYERLEY.

The Bill Entituled, An Act to Oblige the Mannors in ye County of West Chester to pay their arreares of Taxes was Read ye first time and ordered to be Read a Second time.

The said Bill was Read ye Second time and Committed to ye Gentlemen of this Board or any ffive of them.

The Bill Entituled, An Act for Sundry Sūmes of money to be paid by ye Treasurer was Read a Second time and Committed to the Gentlemen of this Board or any ffive of them

A Message from ye Assembly that Mr Seabring doe Returne ye Bill Entituled, An Act for ye Treasurers paying Eight thousand and Twenty ffive ounces of plate to his Excellencey, and also ye Bill Entituled, An Act for paying ye arreares due to ye ffforces late Raised in ye County of Suffolk for ye Expedition against Canada in ye yeare 1709 to the Councill for their Concurrence, that house admitting of noe amendment to Money Bills.

Resolved, That this Board doe adhere to their amendments made to the said Bills and that they insist on their Right to make amendments to Money Bills.

Ordered, That Capt Walter carry this Resolve to ye Assembly.

At a Councill held at ffort Anne in New York, ye 22^d^ day of November, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Coll BEEKMAN,
M^r^ VAN DAM,
Mr BYERLEY.

Mr Byerley Reported from the Committee to whom was Committed ye Bill Entituled, An Act to Oblige ye Mannors in the County of West Chester to pay their arreares of Taxes, That they have gone through ye same without any amendment.

Then the said Bill was by Order Read the third time and past.

Ordered, That Mr Byerley doe acquaint ye Assembly that this Board doe agree to the said Bill without any amendment.

Mr Barberie took his place at ye Board

Mr Byerley for Mr Mompesson Reported from ye Committee to whom was Committed the Bill Entituled, An Act for Sundry Sūmes of money to be paid by the Treasurer that they have gone through the same and made severall amendments thereto which were Read and agreed to by this Board.

Then the said Bill with ye Amendments was Read a Third time and past.

Ordered, That Mr Byerley doe Carry the said Bill to ye Assembly and Acquaint them that this Board doe Agree to ye Same with Some Amendments to which they desire ye Concurrence of that house.

His Excellencey Communicated to this Board a Letter from Governor Dudley, Governor Saltonstall and Governor Cranston Concerning the Engageing the ffive Nations to an Actuall Rupture with ye ffrench in Canada. Whereupon It is

Ordered, that the Secretary lay the Said Letter before ye Assembly and Desire them to take it into their Consideration, and that in Regard that if ye ffive Nations be Engaged in an Actuall Warr with the ffrench it will be absolutely necessary that a greater number of the Country Troops be Constantly Imployed on ye ffrontiers dureing ye Warr for our Safety and defence which will Require Considerable Sūmes of money to defray ye Expense,

His Excellencey Desires ye Assembly to give him their Opinion what they think proper for him to doe on this Occasion.

At a Councill held at ffort Anne in New York, the 24th *day of November*, 1711.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,	Mr MOMPESSON,
Doctor STAATS,	Mr BARBERIE,
Capt WALTER,	Mr PHILLIPSE,
M^r VAN DAM,	Mr BYERLEY.

A Message from ye Assembly by Liev^t Coll Willet that he Return ye Bill Entituled, An Act for Sundry Sūms of money to be paid by ye Treasurer to ye Councill for their Concurrence.

Ordered, that Mr Byerley Acquaint the Assembly that this Board made Severall Amendments to the said Bill which they Sent to that house, but they haveing neither Returned the Said Amendments to this Board nor Signifyed their Concurrence nor dissagrement to all or any of those Amendments Which this Board Conceives to be very Immethodical and Irregular, It is likewise

Ordered, that the said Mr Byerley Returne the Said Bill to ye Assembly.

His Excellencey Communicated to this Board the Assemblys Opinion on the Message Sent them by his Excellencey in Councill the 22^d Instant concerneing the Letter he Received from Governour Dudley, Governour Saltonstall and Governour Cranston.

It is Referred to ye Gentlemen of this Board to draw up and present to this Board what they think necessary and proper to be Returned as an Answer to the said Letter.

Att a Councill held at ffort Anne in New York this 24th *day of November*, 1711,
At three of ye clock in ye Afternoone.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,	Mr MOMPESSON,
Doctor STAATS,	Mr BARBERIE,
Capt WALTER,	Mr PHILLIPSE,
M^r VAN DAM,	Mr BYERLEY.

A Message from ye Assembly by Mr Lackerman that he Returne the Bill Intituled, An Act for Sundry Sūms of money to be paid by the Treasurer with the Amendments with ye reitered resolve of that house not to admitt of any Amendment to Money Bills.

His Excellencey Sent the Secretary to the Assembly to Command their Attendance Imediatley.

And they being Come, His Excellencey gave his assent to ye following Bills Enacting the Same and ordered them to be Enrolled vizt.

An Act Reviveing An Act Entituled, An Act for the better Settleing the Militia of this Province and makeing it more usefull for ye Security and defence thereof.

An Act to prevent the Impairing the ffortifications.

An Act for Raiseing Two thousand Eight hundred ffifty ffive Ounces of plate.

An Act for ye Treasurer's paying Three thousand Seaven hundred and ffifty Ounces of plate to his Excellencey.

An Act for Reviveing An Act Entituled, An Act to prevent the Selling or giveing of Rum or other Strong Liquors to ye Indians in the County of Albany.

An Act to oblige the Mannors in the County of West Chester to pay their Arrears of Taxes.

FOURTEENTH ASSEMBLY THIRD SESSIONS.

At a Councill held at ffort Anne in New York, this 1st *day of May*, 1712.

PRESENT— *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Mr VAN DAM,
Mr BARBERIE,
Mr BYERLEY.

His Excellencey having Commanded the Attendance of the Assembly and they being Accordingly Come he made the following Speech to them.

Gentlemen,

I can never perswade My Selfe that you have any real pleasure in hearing the dayly Cries and Complaints of the Officers of ye Government & others who have Just demands upon it. Whilst the remedy is soe much in yor power, and yet it seems strange that during the space of Two Yeares that I have had the Honour to be at the head of it in a very Active time and Consequently of great Expenses, there has not been one farthing given towards its Support, ffor what Bills have been offer'd for that purpose have either been so deficient or Clog'd with Such Clauses and Circumstances as made it Imposible for the Councill to pass them without an apparent breach of her Majestys Instructions which are the Constant and fixt Rules of their and my proceedings, whatsoever Weight they may bear with you. And when they have as it was their duty amended them you have as often Resolved not to admitt of Such Amendmts upon a very ill grounded pretence that the Councill had noe right to Amend Money Bills I have Sufficient warrant to affirme that pretence to be ill grounded from this paragraph in the Lords Commissioners of Trades Letter to me of 13th of November Last In these words "As to the "Assemblys pretence that the Councill Cannot Amend a Money Bill, It is Groundless and will "not be allowed of here. The Councill haveing an Equall Right with them in Granting of "money there being nothing in her Majestys Commission to you under the Great Seale of the "Kingdom to the Contrary, By vertue of which Commission they only Sit as an Assembly "and therefore you will doe well To Acquaint them herewith that they noe Longer Insist upon "what is Soe ill-grounded.

In the next place I am to put you in mind of the danger on yor ffrontiers, Which you will Sufficiently undrstand by this Representation from the people there, Two fforts now a Building in the Indian Countrys must be Garrison'd forthwith by her Majestys Troops in this Province, and these Letters from the Governour of Bermudas as well as other good advices which I have Received will Convince you of the necessity I lye under of Calling for one more of the Independant Companys from Albany for the Security of this Place, not being very Sure upon what parts this Storme is to Breake, it being alsoe more than probable that the Effort will be made where they Judge wee are Least prepared to Receive them, This I think Sufficient to Convince you of the necessity of Raiseing a fforce proportioned to the present Exigencey.

If I may prevail with you at this time to lay aside all animositys and needless disputes, and heartilly to take into yor Consideration what so nearly concernes yor peace and welfare and that of yor posterity, I have my wish, If not, I must Rest Satisfy'd with the Comfort of haveing done my Duty in admonishing you, and the Testimony of a good Conscience, ffor what have I neglected within the compasse of my power by Night or day for yor Service, and whose Ox or whose Asse have I taken.

At a Councill held at ffort Anne in New York, this 7th *of May*, 1712.

PRESENT — *His Excellencey* ROBERT HUNTER, *Esq*, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Coll RENSELAER,
Coll HEATHCOTE,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

His Excellencey Communicated to this Board a Letter to him from the Right honble the Earle of Dartmouth Her Majestys Principle Secretary of State whereby he Acquainted him that it is her Majestys Pleasure to Ordr that, that part of the Stores allotted for the Expedition to Canada which were Left under his Excellenceys care should remaine with his Excellencey for the publick Service. Which Letter is ordered to be Entered in the minitts of Councill as foll vizt.

WHITEHALL 13th *ffebruary* 17$\frac{11}{12}$

Sr

Colonel Nicholson haveing given an account upon his arrival here that two thousand Small arms with a Considerable quantity of powder & Ball part of the Stores allotted for the Expedition to Canada were Left under yor care, I am commanded to Acquaint you, Her Majesty is pleased to Order they should remain with you for the Publick Service, as you cannot but Look upon this to be a mark of Her Majestys goodness to Her Subjects in those parts, I hope so Large a Supply will Likewise by Sufficient for yor Security. The Enclosed paper is a Copy of a Minute taken at the Treasury, by which you will see how readily the disbursements made for the use of the Government have been Complyed with here. I am

Sr

Your Most humble Servant

DARTMOUTH.

His Excellencey Acquaints the Board that there haveing beene a Great part of those Arms and Amūnition carryed away and Imbezelled That hee will forthwith cause an Account to be taken of all the said Arms and Amūmtion Remaineing as well here as at Albany

Ordered, that the Deputy Secretary carry the said Letter togeather with the following Message from His Excellencey to the Assembly.

Gentlemen,

By this Letter from the Right Honble the Earle of Dartmouth her Majestys principle Secretary of State you will be made Acquainted with her Majestys Signall goodness to and care of her Subjects in these parts and I am undr an obligation to Acquaint you that if Speedy care be not taken to Repaire the Magazines that great quantity of powder of Severall thousands of pounds vallue must Inevitably be spoilt and by that meanes her Majestys good Intentions frustrated and the province disapointed of soe considerable meanes for their Commone defence in Case of danger from the Enemy soe that I hope you'l take into yor Consideration that matter with the Repaire of the ffort wall which is in a bad condition by the Report of Mr Ebbetts whom I appointed to Survey it Lately.

The Late Hellish Attempt of yor Slaves is sufficient to Convince you of the necessity of putting that Sort of men under better Regulation by Some good Law for that purpose, and to take away the Root of that Evill to Encourage the Importation of White Servants. I must Againe begg Leave to Reccommend to you unanimity and dispatch in the matters that soe nearly concerne you.

At a Councill held at ffort Anne in New York, this 8th *day of May*, 1712.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Coll RENSELAER,
Mr BYERLEY.

Mr Van Dam, Mr Barberie and Mr Philipse took their places.

Col Heathcote took his place.

It is Referred to the Gentlemen of this Board or any five of them to Inspect into the Militia Act and to Consider wherein it is defective and what may be necessary to be done to make the Militia of this province more usefull

At a Councill held at ffort Anne in New York, this 10th *day of May*, 1712.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Doctor STAATS,
Capt WALTER,
Coll RENSELAER,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

His Excellencey Sent to Command to Attendance of the Assembly who being Come His Excellencey was pleased with the Advice of the Councill to prorogue them to Tuesday next the thirteenth Day of this present month

At a Councill held at ffort Anne in New York, this 15th *day of May*, 1712.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Doctor STAATS,
Capt WALTER,
Coll BEEKMAN,
Coll RENSELAER,
Mr BARBERIE,
Mr BYERLEY.

Whereas in the Last Act of Generall Assembly of this province Entituled, An Act for the Reviveing An Act of Generall Assembly Entituled, An Act for better Settleing the Militia of this province and making it more usefull for the securety & defence thereof, An Omission was made in the Said Act for Reviveing that part of the Last Act for the Same purpose relateing to the City of Albany, and his Excy & Councill haveing taken ye Said Act for Settleing the Militia of this province into their Considerasions conceive that the following clauses will be very necessary to be added to the said Act vizt.

May it please yr Excellencey

In Obedience to yor Excellenceys Order in Councill of the Eighth day of May Instant wee have Inspected into the Militia Act and haveing Considered wherein the Same is defective and what may be necessary to be done to make the Militia of this province more usefull, humbly Report the Same to yor Excellencey as foll vizt.

That no Gun shall pass muster under Three ffoot an halfe the Barrell being well ffixt with Stock & Lock

That forthwith after ye publication of this act there be a Generall Muster of the whole Regiments throughout the province.

That there be two Generall Traineing days of the whole Regiments every yeare (to wit) on the ffirst Tuesday in Aprill and the third Tuesday in June throughout the province Except the County of Albany which shall be on the ffirst ffryday in ffebruary and the ffirst Tuesday in July.

That the Capt of every respective Company in this province shall Draw out his Company to muster and exercise three times a yeare (to wit) one day in June, September & March yearely.

The ffines for the Colonell or Commanding ffield officers 20ll, the Capt or Commanding officers of each Company 10ll. in Case they neglect to draw out & Exercise their Respective Regiments and Companys according to the Direction of this Act and in Case of allarme that they neglect to draw out their Companys togeather and march them to the City of New York, Albany or any other place that the Captain Generall or Commander in Cheife shall direct, Then the ffine for the Collonells 60ll ye Captts 30ll.

That the Act made in September 1710, as to what relates to Albany be Confirmed.

That at or before every Traineing upon the penalty aforesaid the Captain or Cõmanding officer of every Respective Company by himself Serjts or Corporalls shall Examine the arms and amũnicõn of every Soldier under his Cõmand and if any be found defective forthwith to Levy the ffines as the Law directs.

That In Case of allarm noe officer or private Soldier after appeareing in arms shall absent or withdraw himselfe from ye Company to which he belongs without Leave and Consent of the Commanding officer thereof on the same penalty as for non appearance.

That the Troops in Kings County, Queens County and West Chester be Included and mentioned in the Act in the Clause relateing to the Troops

That Dureing ye present warr all ꝑsons whatsoever who are Exempted from serving in the militia be in every County formed into a Company and obliged to be ffixed with arms and amunicõn and appeare at ye City of New York or at any other place or places where the Capt Generall shall direct under the same penaltys as any officer or Soldier belonging to the militia. Excepting as Excepted in the Late Act Intituled, An Act for the security and defence of this Colony dureing ye Expedicõn to Canada.

That in case of allarm the Mayor &c of the Citys of New York and Albany have power and be directed to billet out ye soldiers amongst the Inhabitants who shall be brought into the respective Citys &c

That each Capt. or Commanding officer of every Respective Company forthwith after such Training shall deliver to the Coll or Cõmanding ffield officer of such Regiment an Exact List of the Soldiers in his Company on the penalty of five pound & the Coll or Cõmanding field officer of such Regiment forthwith to Transmit the same to the Governour &c on the penalty of Ten pounds.

The fines to be Levyed on the ffield officers by warrant under the hand and seal of the Captain Generall or Commander in Cheife and the fines on the Captains by warrant from the Coll or in his absence the Commanding field officer.

All officers (to whom any warrants are directed to Levy fines) who shall neglect or Refuse to Execute them shall forfeit Ten pounds for each default.

All these fines to be given to her Majesty towards repaireing the ffortifications of Albany and Schonectady.

That the Beacons be continued dureing this warr in the same manner as was Directed Last yeare.

Whereupon his Excellencey and Councill Recommend it to the Assembly to bring in a New Bill to Explaine the Last Act for Settleing the Militia of this province and to render it more usefull and effectuall by adding therein ye severall Clauses before mentioned as Likewise the said Clause relateing to the City of Albany which was omitted in the Last Act as aforesaid

Ordered, that the Deputy Sēcery carry the said Message to the Assembly for their Consideracōn

At a Councill held at ffort Anne in New York, this 23th *day of May*, 1712.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
M^r^ VAN DAM,
Coll HEATHCOTE,
Mr MOMPESSON,
Mr BYERLEY.

It is referred to the Gentl of this Board or any five of them to prepare and bring in a Bill for the Continuing and Rendring more effectuall the Militia Act.

At a Councill held at ffort Anne in New York, this 29th *day of May*, 1712.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Capt WALTER,
Coll BEEKMAN,
Coll HEATHCOTE,
Mr MOMPESSON,
Mr BARBERIE,
Mr BYERLEY.

A Bill Entituled, An Act to Encourage the makeing Lintseed Oyle was Read the ffirst time and

Ordered to be Read a Second time.

The said Bill was Read a Second time and Committed to the Gentlemen of this Board or any five of them.

At a Councill held at ffort Anne in New York, this 31st *day of May*, 1712.

PRESENT — *His Excy* ROBERT HUNTER, Esqr, &c.,

Doctor STAATS,
Coll BEEKMAN,
Coll RENSELAER,
Mr MOMPESSON.
Mr BYERLEY.

The Bill sent from ye Assembly Entituled, An Act for paying Eight thousand Twenty five Ounces of plate to his Excellencey was read the first time and

Ordered to be read a Second time.

The said Bill was read a Second [time] and Committed to ye Gentlemen of this Board or any five of them.

Then the Councill adjourned.

*At a Councill held at ffort Anne in New York, ye s^d^* 31st *of May*, 1712.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Doctor STAATS,
Capt WALTER,
Coll BEEKMAN,
Coll RENSELAER,
Mr MOMPESSON,
Mr BYERLEY,

Mr Byerley Chairman of the Cōmittee to whom was Committed the Bill Entituled, An Act for paying Eight thousand Twenty five ounces of plate to His Excellency Reported from the Cōmittee that they have gone through the said Bill without any amendment.

Ordered, that the Said Bill be read the third time.

Then the said Bill was read the third time and past without amendment.

Coll D'Peyster took his place.

Ordered, that Mr Byerley Acquaint the Assembly that this Board do agree to the Bill Entituled, An Act for paying Eight thousand Twenty five Ounces of plate to His Excellencey without Any Amendment.

At a Councill held at ffort Anne in New York, this 6th day of June, 1712.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Mr VAN DAM,
Mr BARBERIE,
Mr BYERLEY.

The Bill Entituled, An Act appointing An Agency for New York at Great Brittain read the first time and

Ordered to be read a Second time.

The said Bill was read a Second time and Ordered to Lye on the Table.

Mr Renselaer took his place.

Mr Barberie Reported from the Committee to whom was Committed the Bill Entituled, An Act to Incourage the Making Lintseed Oyl that they have gone through the Said Bill without Amendment.

The Said Bill was Read the third time and past without Amendment.

Ordered, that Mr Barberie Acquaint the Assembly therewith.

The Assembly Sent for and being Come his Excellencey past the Said Act and the Bill Entituled, An Act for paying Eight thousand Twenty five Ounces of plate to His Excellencey.

The Report about the Militia Act Read and Confirmed.

At a Councill held at ffort Anne in New York, this 7th day of June, 1712.

PRESENT — *His Excell* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Coll RENSELEAR,
Mr BARBERIE,
Mr BYERLEY.

The Bill Entituled, An Act for paying the Officers of the Government read the first time and Ordered to be read a Second time.

The Bill Entituled, An Act for paying ye Arrears due to the Officers late raised in the County of Suffolk for the Expedition Against Canada in the year 1709 was read the first time and

Ordered to be read a Second time.

Ordered, that the Attorney General forthwith prepare a Bill for Continueing and Rendring more effectual the Militia Act.

The Bill Entituled, An Act for paying fifteen hundred Ounces of plate for Security of ye ffrontiers about Albany was read ye first time &

Order'd to be read a Second time.

Mr Byerley presented to this Board a Bill Entituled, An Act for the better Recovery of her Majestys Quitt Rents.

Which Bill was by Order read the first and

Ordered to be read a Second time.

At a Councill held at ffort Anne in New York this 12th day of June, 1712.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Doctor STAATS,
Capt WALTER,
Mr VAN DAM,
Coll HEATHCOTE,
Coll RENSELAER,
Mr MOMPESSON,
Mr BARBERIE,
Mr BYERLEY.

The Bill Entituled, An Act for paying the British officers was read the first time and

Ordered to be read a Second time

The said Bill was read a Second time and Committed to the Gentlemen of this Board or any five of them.

The Bill Entituled, An Act for the Assigning of Sheriffs was read the first time and *Ordered* to be read a Second time.

The Bill Entituled, An Act for paying the Arrears due to the fforces Late raised in the County of Suffolk for the Expedicōn against Canada in the year 1709, was read the Second time and Committed to the Gentlemen of this Board or any five of them.

The Bill Entituled, An Act for the better Recovery of her Majestys Quit rents was read the Second time and Committed to the Gentlemen of this Board or any five of them.

His Excellencey Communicated to this Board a Letter from the Justice of the peace of Albany of the 4th Instant desireing the Act to prohibit the Selling or giveing of Rum or other Strong Liquors to the Indians may be revived.

Ordered, that Coll Renselaer do Lay the said Letter before the Assembly with a request from this Board that they will take the same into their Consideration and pass a Bill accordingly.

At a Councill held at ffort Anne in New York, this 13th *day of June*, 1712.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Coll RENSELAER,
Mr MOMPESSON,
Mr PHILLIPSE,
Mr BYERLEY.

His Excellencey Comunicated to this Board a Letter from the Cōmissioners of the Indian Affairs at Albany of the Seaventh Instant acquainting him that they are Informed the five Nations are going out a fighting to the Southward, that they have recēd power from the ffrench at Cadaraqua and that its apprehended they will Joyn with the Tuscarora Indians against the people of Carolina, that the five Nations have alredy declared they will not Joyn with her Majestys Interest if there should be occassion.

As also a Letter from the said Commissioners of the 8th Instant Acquainting him that they have recēd advice that there has been an Engagement between the Inhabitants of Maryland and the Indians who live near that Country, that the five Nations being told that this Governour Joyned with the people of Carolina against the Tuscarora Indians they have laid aside their thoughts of accommodateing that affair and had forbid their Indians to go to Albany that the ffrench make it their buisness to Induce the Indians to send the Queens arms out of their Country telling them that by those the Queen claims it and that they will Loose their Country which they may see by the dearness of powder.

Whereupon it is the opinion of this Board and it is accordingly

Ordered, that Coll Renselaer and Mr Phillipse Lay the said Letters before the Assembly and Acquaint them that they will thereby see that the ffrench are using all possible Endeavours to bring over the five Nations of Indians to their Interest that it is to be apprehended if some Speedy measures be not taken they will effect their designes; wherefore that this Board is of opinion it is absolutely necessary to send some men of Credit to them to Indeceive them of the ill impressions they have recēd from the ffrench to Engage them to a firm adherence to their covenants and promises to this Government. That in order to this this Board is of opinion that it will be requisite to make the Indians a Suitable present at this time, they therefore earnestly recommend it to the Assembly to take the same into their Consideration and to provide such a sūply of money as may be necessary to defray ye Charges and expenses of sending such Messengers as aforesaid with Interpreters, and for such a present.

At a Councill held at ffort Anne in New York, this 13th *day of June*, 1712.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr &c.,

Coll D'PEYSTER,
Doctor STAATS,
Coll HEATHCOTE,
Coll RENSELAER,
Mr MOMPESSON,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

Mr Phillipse reported that Coll Renselaer and he have Laid before the Assembly the Letters sent by them to that house this morning relateing to the Indians with the Message sent thereon by this Board.

Ordered, that Coll D'Peyster, Coll Heathcote, Coll Renselaer and Mr Phillipse be a Committee to meet some of the members of the Assembly to Consider of the Subject Matter of the said Letters.

At a Councill held at ffort Anne in New York, the 14th *day of June*, 1712.

PRESENT — *His Excell.* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Coll HEATHCOTE,
Coll RENSELAER,
Mr MOMPESSON,
Mr PHILLIPSE,
Mr BYERLEY.

The Bill Entituled, An Act for paying ffifteene hundred ounces of plate for secureing of the ffrontiers about Albany was read a Second time and Committed to the Gentl of this Board or any five of them

At a Councill held at ffort Anne in New York, ye 16th *day of June*, 1712.

PRESENT — *His Excell.* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Coll BEEKMAN,
Mr VAN DAM,
Coll HEATHCOTE,
Coll RENSELAER,
Mr MOMPESSON,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

His Excellcy Communicated to this Board a Letter from Baltus Van Cleck a Justice of the peace of Dutches County of the 14th Instant acquainting him that the Katskill Indians had sent a belt of Wampum to the Indians in Dutches County warning them to prepare for warr and that nine Days after the Date of the Letter the Sinics and Shawanas would fall upon the Inhabitants along Hudsons River.

It is the opinion of this Board and accordingly

Ordered, that Coll D'Peyster Lay the Letter before the Assembly and acquaint them that this Board does once more recommend to their Consideration the defenceless Condition of the ffrontiers.

The Bill Entituled, An Act for Reviveing, Amending or Continueing of Sundry Acts relateing to the militia of this province and for makeing the militia more usefull for the Security & Defence thereof was read the first time & ordered to be read a second time.

The Said Bill was read a Second time and Committed to the Gentlemen of this Board or any five of them.

The Bill Entituled, An Act for paying the Officers of the Government was read the Second time and Committed to the Gentlemen of this Board or Any five of them.

At a Councill held at ffort Anne in New York, the 17th *day of June*, 1712.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Mr VAN DAM,
Coll BEEKMAN,
Mr BARBERIE,
Mr BYERLEY.

Mr Van Dam for Coll Heathcote Reported from ye Committee the Bill Entituled, An Act for Reviveing, Amending or Continueing of Sundry Acts relateing to the Militia of this province and for makeing the Militia more usefull for the Security and Defence thereof, that they have gone through the Same and made Some Amendments thereto which were read and agreed to by the Board.

Ordered, that the Bill with the Amendments be Ingrossed.

Mr Byerley reported from the Committee to whom was Committed the Bill Entituled, An Act for the better Recovery of her Majestys Quit rents, that they have gone through the Same without any Amendment

Ordered, that the Bill be Ingrossed.

Capt Walter reported from the Committee to whom was Committed the Bill Entituled, An Act for paying the Arrears due to the forces Late raised in ye County of Suffolk for the Expedition agst Canada in ye yeare 1709, that that they have gone through the Same without Any Amendment.

Then the Said Bill was by order read the third time and past without any Amendments.

Ordered, that Capt Walter do Acquaint the Assembly that this Board do Agree to the Said Bill without any Amendment.

Coll D'Peyster reported from the Committee to whom was Committed the Bill Entituled, An Act for paying fifteen hundred ounces of plate for Security of the ffrontiers about Albany, that they have gone through the Same without any Amendment.

Then the Said Bill was by Order read the third time and past without any Amendment.

Ordered, that Coll D'Peyster do Acquaint ye Assembly that this Board do agree to the Said Bill without any Amendment.

Mr Van Dam reported from the Committee to whom was Committed the Bill Entituled, An Act for paying the British Officers, that they have gone through the Same without any Amendment.

Then the Said Bill was read a third time and past.

Ordered, that Mr Van Dam Acquaint the Assembly that this Board do Agree to the Said Bill without Any Amendmt.

At a Councill held at ffort Anne in New York, ye 18th day of June, 1712.

PRESENT— *His Excell* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Mr MOMPESSON,
Mr BARBERIE,
Mr BYERLEY.

The Bill Entituled, An Act to Enable Mary Bratt ye Widdow of Johannes Bratt late of the County of Albany to dispose of the part of the Lands and tenements formerly belonging to the Said Bratt for payment of his Debts and Educateing his Children, Read the first time and

Ordered to be read a Second time.

A Bill Entituled, An Act for prohibiting all persons but John Parmyter and his Assignes to make Lambblack dureing the space of ffive years, Read ye ffirst time and

Ordered to be Read a Second time.

The said Bill was Read a Second time and Committed to ye Gentlemen of this Board or any ffive of them.

Mr Phillipse took his place at ye Board.

An Act Entituled, An Act Reviveing An Act Entituled, An Act to prevent ye selling or giveing of Rum or other Strong Liquors to the Indians in ye County of Albany and for Reviveing An Act Eutituled, An Act for the better watching and Guarding ye City of Albany, Read ye ffirst time and

Ordered to be Read a Second time.

The said Bill was Read a Second time and Committed to the Gentlemen of this Board or any ffive of them.

Ordered, that Mr Phillipse acquaint ye Assembly that this Board desires they will be mindfull to put ye State of the magazine in ye ffort in Repaire as was formerly Recommended to them by this Board.

Coll Heathcote took his place at ye Board.

An Act Entituled, An Act to Enable William Anderson to Sell a Lott of Ground in Queen Street ye Estate of the said William Anderson in right of Deborah his wife Decēd, for ye payment of Debts Contracted by his said wife before their Intermarryage, Read the ffirst time and

Ordered to be read a Second time.

An Act Entituled, An Act for Laying a further Duty on ye Tonnage of vessells and on Slaves and for Repealeing ye acts heretofore made relateing to the Dutys, read ye first time and

Ordered to be read a Second time.

At a Councill held at ffort Anne in New York, ye 19th day of June, 1712.

PRESENT — *His Excell* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Capt WALTER,
Coll BEEKMAN,
M^r VAN DAM,
Coll HEATHCOTE,
Mr MOMPESSON,
Mr BYERLEY.

The Ingrossed Bill Entituled, An Act for Reviveing, Amending or Continueing of Sundry Acts Relateing to the Militia of this province and for makeing the militia more usefull for the Security and defence thereof, Read and past.

Ordered, that Coll Heathcote doe carry ye said Bill to ye Assembly and desire their Concurrence thereto.

The Engrossed Bill Entituled, An Act for the better Recovery of her Majestys Quitt Rents Read and past.

Ordered, that Mr Byerley doe Carry ye said Bill to ye Assembly and Desire their Concurrence thereto.

The Bill Entituled, An Act to Enable Mary Bratt ye widdow of Johannes Bratt Late of the County of Albany to dispose of part of the Lands and Tenements formerly belonging to ye said Bratt for payment of his Debts and Educateing his Children, Read the Second time.

Ordered, that the said Bill be Committed to the Gentlemen of this Board or any five of them.

His Excellencey Cōmunicated to this Board a Message from the Assembly by Liev^t Coll Schuyler and Mr Lakerman Desireing him since the approaching harvest The season of the yeare and their other occasions will necessitate ye absence of many of the members from the service of the house hee will please to signifye the time most proper for their next meeting. It is

Ordered, that ye Clerke of ye Councill acquaint ye Assembly that Whereupon His Excellencey is content that so soone as the buissness now depending before ye Councill and Assembly may be adjourned till after ye harvest.

At a Councill held at ffort Anne in New York, the 21st day of June, 1712.

PRESENT — *His Excell^cy* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Coll BEEKMAN,
Coll HEATHCOTE,
Mr MOMPESSON,
Mr BARBERIE,
Mr BYERLEY.

An Act for the better and more easy Carriage of Goods by Land or water within this Colony, Read the ffirst time and

Ordered, to be read a second time.

Mr Phillipse took his place at ye Board.

An Act Entituled, An Act for Laying a further Duty on the Tonnage of Vessells and on Slaves and for Repealing the Acts heretofore made Relateing to those Dutyes, Read the Second [time] and Committed to the Gentlemen of this Board or any ffive of them.

Mr Van Dam took his place at the Board.

An Act Entituled, An Act to Enable William Anderson to Sell a Lott in Queene Street the Estate of the said William Anderson in right of Deborah his wife Deceased for the payment of Debts contracted by his said wife before their Intermarriage, Read the Second time and Committed to the Gentlemen of this Board or any ffive of them.

At a Councill held at ffort Anne in New York, the 24th day of June, 1712.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Capt WALTER,
Coll BEEKMAN,
Coll HEATHCOTE,
Mr MOMPESSON,
Mr PHILLIPSE,
Mr BYERLEY.

His Excellencey cōmunicated to this Board a Letter he Received from the Alderman and Magistrates of Albany of ye 10th of June Instant acquainting him that ye ffive nations Included to Joyne with ye Tuscarora Indians, mistrusting that wee are Joined with those of Carolina to distroy them and that all the Indians are meeting on ye Tuskohana River to Joine ye Tuscarora

Indians, and desireing His Excellenceys advice and assistance about this affaire, and Likewise desireing that Coll Schuyler may be Restored to ye Cōmission of ye Indian affairs

Coll D'Peyster and Doctor Staats took their places at ye Board.

Whereupon it is ye opinion of this Board that a Message be sent to ye Assembly to Communicate ye said Letter to them, and His Excellencey also acquainted this Board that one Tunis Quick of this City haveing acquainted His Excellencey that severall Indians have Lately bought upp great quantities of powder in this City His Excellencey Desired ye Assembly to send for ye said Quick to Examine him thereto

Ordered, that ye Deputy Secretary carry ye said Message to the Assembly.

The Bill Entituled, An Act that Certaine moneys Levy'd on ye Inhabitants of Kings County Remaineing in hands of ye Collectors be paid to the Treasurer of that County Read the ffirst time and

Ordered to be Read a Second time.

Coll Heathcote for John Barberie Esqr Chairman of ye Committee to whom was Cōmitted ye Bill Intituled, An Act Reviveing An Act Entituled, An Act to prevent ye Selling or giveing of Rum or other Strong Liquors to the Indians in ye County of Albany and for Reviveing An Act Entituled, An Act for ye better watching & Guarding ye City of Albany, Reported from ye said Committee that they had gone through ye said Bill without any amendments which was Read and Agreed to by the Board.

Ordered, that ye said Bill be Read a third time.

Which Bill was Read a third time and past without any amendment.

Ordered, that Mr Phillipse Acquaint ye Assembly that this Board doe agree to ye said Bill without any amendment.

Mr Van Dam took his place at ye Board.

Gerrardus Beekman Esqr Chairman of ye Committee to whom was Committed the Bill Intituled, An Act for prohibitting all persons but John Parmyter and his assignes to make Lambblack durcing ye space of ffive yeares Reported from ye said Committee that they have gone through ye same, without any amendment.

Ordered, that the said Bill be read a third time

Then the said bill was read the [third] time and past without any amendment

Ordered, that Coll Beekman Acquaint ye Assembly that this Board doe agree to the said Bill without any Amendment.

The Bill Entituled, An Act to Impower ffrederick Phillips a minor to Remove Kings [Bridge] to a more Commodious place and for Confirming ye Toll thereof, Read the ffirst time and

Ordered to be Read a Second time.

The Bill Entituled, An Act for ye Treasurers paying ye severall Sūmes of money therein Specifyed, Read ye ffirst time and

Ordered to Be Read a Second time.

At a Councill held at ffort Anne in New York, this 25th day of June, 1712.

PRESENT:— *His Excell* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,	Mr MOMPESSON,
Doctor STAATS,	Mr BARBERIE,
Capt WALTER,	Mr BYERLEY.
Coll HEATHCOTE,	

A Message from ye Assembly by Mr Lakeman to put this Board in minde of Severall Bills sent up from that house.

The Bill Entituled, An Act for the Assigneing of Sheriffs was read the second time.

And the question being put Whether ye Bill be Cōmitted

It past in ye negative.

Then the question being put whether the said Bill do Lye upon the Table

It past in the affirmative.

The Bill Entituled, An Act that certain moneys Levyed on the Inhabitants of Kings County remaineing in the hands of the Collectors be paid to ye Treasurer of that County, was read a second time & Cōmitted to the Gentlemen of this Board or any five of them.

Ordered, that the Bill Entituled, An Act for the better and more easy Carryage of goods by Land or water within this Colony be read a second time to morrow morning.

The Bill Entituled, An Act for the Treasurers paying the severall Sūmes of mony therein Specifyed, was read the Second time and Committed to the Gentlemen of this Board or any five of them.

Mr Phillipse took his place.

The Bill Entituled, An Act to Impower ffrederick Phillipse a minor to Remove Kings Bridge to a more Commodious place and for Confirming the Toll thereof, was read the Second time and Committed to the Gentlemen of this Board or any five of them

At a Councill held at ffort Anne in New York, this 26th *day of June*, 1712.

PRESENT — *His Excell* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Coll HEATHCOTE,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

The Bill Entituled, An Act for the better and more Easy Carriage of goods by Land or water within this Colony was Read a Second time and Committed.

The Petition of Mr Davis Collector agst the said Bill was read and referred to the said Committee.

His Excell haveing sent for the Assembly gave his assent to these following Bills vizt

An Act Reviveing An Act Entituled, An Act to prevent the Selling or giving of Rum or other Strong Liquor to the Indians in ye County of Albany and for Reviving An Act Entituled, An Act for the better watching and Guarding the City of Albany.

An Act for prohibiting all persons but John Parmyter and his assignes to make Lamblack dureing the space of five yeares.

An Act for paying the British Officers.

An Act for paying the arrears due to the ffforces Late raised in ye County of Suffolk for ye Expedition against Canada in the yeare 1709.

An Act for paying fifteen hundred ounces of plate for security of the ffrontiers about Albany.

Then his Excell prorogued them to Thursday the seventeenth day of July next.

FOURTEENTH ASSEMBLY FOURTH SESSIONS.

At a Councill at ffort Anne in New York, this 28th *day of August*, 1712.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Doctor STAATS,
Capt WALTER,
Coll BEEKMAN,
Mr BARBERIE,
Mr BYERLEY.

His Excellencey told ye Councill that the Assembly sent a Message to him desireing that they might adjourn for a short time in regard it is now their seed time.

At a Councill held at ffort Anne in New York, ye 17th *day of September*, 1712.

PRESENT — *His Excell* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

His Excell haveing Sent to Command the Attendance of the Assembly he made the following Speech to them.

Gentlemen,

I flatter my self that this Session may put an End to all Disputes or Misunderstandings that have fallen out between the severall parts of the Legislature of this Colony, The more because the Contending Partys about the Revenue for Support of Government seem agreed as to the necessity of settling such a Revenue and to differ only about the measures and means, The Reason given for the Extraordinary caution in the proceedings Relateing to that matter and which I assure you have had their due weight with me, are, former misapplication of publick

fond by which means private persons are deprived of their due and ye province Loaded unnecessary Debts, I wish from my heart it were as easy a matter to find a remedy for past miscarriages as I am Confident it is to assigne one for Effectually preventing the Like for the future. Which Last I now offer you and make no doubt of your Acceptance of it. It being sufficient for the end propos'd and Indeed the Only one in my power. Her Majestys Royal Instructions to me Containeing ye following Command, " You are not to suffer any publick " money whatsoever to be Issued or dispos'd of otherwise then by warrant under yor hand By " and with the advice and Consent of our said Councill, But the Assembly may be neverthelesse " permitted from time to time to view and examine the accounts of money or value of money " dispos'd of by virtue of Laws made by them which you are to signify to them as there shall " be occasion.)

Which is but the repetition of a clause in my patent.

The Expedient I propose is Certain'd in the following heads.

It may be Inacted in ye Bill or Bills for Settleing a Revenue that the Receiver Generall who has a patent under the Broad Seal who has given Security in England and Shall if demand'd give ye same within ye Colony for the due Execution of his office, be obliged at the Expiration of every three months or upon every Quarter day to Lay before the Govr and Councill, an account of the money by him Received for that use Dureing that time.

That every Quarter day all persons who have been dureing the proceeding three months Imploy'd in the service of the Governm^t deliver in their accounts of service, mony or goods so Imploy'd which being Examin'd and allow'd by the Governour and Council, an account may be stated from thence of the Demands on that Quarters Revenue.

That if the Revenue for that Quarter amounts to a Sume Sufficient for that demand, then ye Govr with ye Consent of the Council may Issue his warrants for such sūms on ye Receiver Generall.

If the Revenue in that Quarter falls short of that Demand ye Governour is then to grant warrants for so much only as it does amount to.

And whensoever the Revenue shall Exceed ye Expense in that Quarter what has been Left unpaid in any proceeding Quarter to be paid out of that overplus by warrants then granted as formerly

That all warrants be number'd and the Receiver Generall oblig'd to pay them in course as numbered.

And for the more effectual preventing the Issue of any warrants for more money Then there may be in the Receivers hands at the Expiration of every Quarter it may be Enacted that it be Expressed in each warrant that such Sūme be payable out of such other Sūme being the amount of the Revenue for such a Quarter.

No warrants being to be Issued untill such time as the Receiver Generall shall have Laid before ye Governour & Councill an Account of the Revenue by him Received that Quarter, That he be oblig'd to pay all such warrants as shall be Drawn for that Sume in their Course within a certain number of Days If Demanded, and upon his Refusal or non complyance ye person or persons haveing such warrants to have an Action of Debt against him for the same.

That the Receiver Generall be oblidged to Lay before ye Assembly when Setting and requireing the same an account of the Revenue Receiv'd and of the warrants paid by him, That all persons demanding ye same may at ye office hours have recourse to his books of Accounts of the Revenue.

By these means the only material objection being remov'd, I can hardly be Indue'd to believe that you will any Longer deferr ye doeing of what is so absolutely necessary and what her Majesty most asur'dly expects from you, or that you can expect from me what I cannot do without Incurring Her highest displeasure the heavy penalty annex'd to the breach of her Instructions not being able upon the nicest Scrutiny to accuse my self of any one action or thought which has not been Intended for her Majestys Service, and the General Good and Quiet of this Colony which I purpose Stedfastly to pursue and shall be always ready yor advice *(sic)* in the pursu t thereof.

I am further to Acqnaint you that yor ffrontiers never more required yor care then at this present, as you will sufficiently understand by these Letters and papers which I must Recommend to yor peruseal

At a Councill held at ffort Anne, in New York this 20th *day of September*, 1712.

PRESENT — *His Ex^cy* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER, Mr PHILLIPSE,
Capt WALTER, Mr BYERLEY.
Mr BARBERIE,

The Bill Entituled, An Act for paying the Respective dues in arrear and to be Collected was Read the ffirst time and

Ordered to be read a Second time.

At a Councill held at ffort Anne in New York, this 25th *day of September*, 1712.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Mr VAN DAM,
Mr MOMPESSON,
Mr BARBERIE,
Mr BYERLEY.

The Bill Entituled, An Act for paying ye Respective Dues in Arrear And to be Collected was read ye Second time and Committed to the Gentlemen of this Board or any five of them.

At a Councill held at ffort Anne in New York, this 27th *day of September*, 1712.

PRESENT — *His Excell* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Mr VAN DAM,
Mr MOMPESSON,
Mr BARBERIE,
Mr BYERLEY.

Upon Reading the Petition of the Recorder and Aldermen of the City of New York in the Absence of the Mayor praying his Excy to recommend to the Assembly to provide for the Maintenance and Lodgment of the ffrench prisoners put on Shore by Captain Elford being above Sixty in number. It is

Ordered, that the Sēcery Lay the Said Petition before ye Assembly And Acquaint that this Board do Earnestly Recommend the Consideration thereof to them.

At a Councill held at ffort Anne in New York, this 30th *day of September*, 1712.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Mr VAN DAM,
Coll BEEKMAN,
Mr MOMPESSON,
Mr BARBERIE.

Upon Reading the Petition of the proprieters or Owners of the Slaves that were Lately Executed for the Conspiracy and murder perpetrated in ye City of New York in the month of Aprill Last, praying his Excellency to recommend it to the Generall Assembly of this Collony now Sitting to pass a Law to Enforce the payment of the Sumes of money intended to be paid to the Owner or Owners of Such Slaves as Should be executed by virtue of An Act made for preventing the Conspiracy of Slaves.

In regard therefore that the Justices of the peace have neglected to raise the Sumes of money necessary for the payment of the Slaves so as aforesaid Executed notwithstanding the powers invested for soe doeing by virtue of the Aforesaid Act, It is the opinion of this Board and Accordingly

Ordered, that the Secretary do lay before the Assembly ye Said Peticōn and Acquaint them that this Board do recomēnd to them the passeing a Law for the Enforceing and better putting in Execution the aforesaid Act whereby the Petitioners may be relieved.

The Bill Entituled, An Act for preventing suppressing & punishing ye Conspiracy and Insurrection of Negros and other Slaves was read the ffirst time and

Ordered to be read a second time.

The Bill Entituled, An Act to Enable William Anderson to Sell a Lott of Ground in Queens Street the Estate of the said William, in right of Deborah his wife Decēd for the payment of Debts contracted by his said wife before their Intermarriage was read the first time and

Ordered to be read a Second time.

At a Councill held at ffort Anne in New York, this 1st *day of October*, 1712.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER, Mr VAN DAM,
Doctor STAATS, Mr BARBERIE,
Capt WALTER, Mr BYERLEY.

The Bill Entituled, An Act for the Treasurers paying two hundred and ffifty ounces of plate to his Excy and that Coll Peter Schuylers receipt shall Discharge the Treasurer for one hundred pounds, formerly allowed him, was read the ffirst time and

Ordered to be read a Second time.

The Bill Entituled, An Act for preventing Suppressing and punishing the Conspiracy and Insurrection of Negros and other Slaves was read the Second time and committed to the Gentlemen of this Board or any five of them.

The Bill Entituled, An Act to Enable William Anderson to Sell a Lott of Ground in Queens Street the Estate of the said William in Right of Deborah his wife Decēd for the payment of Debts contracted by his said wife before their Intermarriage was read the Second time and committed to the Gentlemen of this Board or any five of them.

The Bill Entituled, An Act for the Treasurers paying two hundred and ffifty ounces of plate to his Excellencey and that Coll Peter Schuylers receipt shall Discharge the Treasurer for one hundred pounds formerly allowed him, was read the Second time and committed to the Gentlemen of this Board or any five of them.

At a Councill held at ffort Anne in New York, this 4th *day of October*, 1712.

PRESENT — *His Excell* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER, Mr MOMPESSON,
Doctor STAATS, Mr BYERLEY.
Capt WALTER,

Mr Byerley Reported to (*sic*) the Committee to whom was committed the Bill Entituled, An Act for the Treasurers paying two hundred and ffifty ounces of plate to his Excellencey and that Coll Peter Schuylers receipt shall Discharge the Treasurer for one hundred pounds formerly allowed him, that they have gone through the same without any amendment.

Then the said Bill was by Order Read the third time.

Resolved, the said Bill do pass without any amendment.

Ordered, that Mr Byerley do acquaint the Assembly that this Board do agree to the said Bill without any amendment.

Mr Mompesson for Mr Barberie reported from the Committee to whom was committed the Bill Entituled, An Act for paying the respective dues in arrear and to be collected that they have gone through the same and made some amendments thereto which were read and agreed to by the Board.

Then the following amendments was made to the said Bill, fol 3 Line 25 after the word [Assembly] ending ye said Line, insert these words [hereafter mencōned]

fol 4 Line 1st after the word [Ingoldesby] and before the word [one] Leave out these words [in particular]

Then the said Bill with the amendments was read the third time and past.

Ordered, that Mr Mompesson do carry the said Bill to the Assembly and acquaint them that this Board do agree to the same with some amendments to which they desire the concurrance of that house.

The Bill Entituled, An Act for Laying a further Duty on the Tonnage of Vessells and for Repealing the acts heretofore made relateing to those Dutys, was read the first time and

Ordred to be read a Second time.

Then the said Bill was read a Second time and cōmitted to the Gentlemen of this Board or any five of them.

At a Councill held at Fort Anne in New York, the 7th day of October, 1712.

PRESENT — *His Excellencey* ROBt HUNTER, Esqr, &c.,

Coll DEPEYSTER,
Capt WALTER,
Mr MOMPESSON,
Mr BARBERIE,
Mr BYERLEY.

Roger Mompesson Esqr Chairman of the Cōmee to whom was cōmitted the Bill Entitled, An Act to Enable William Anderson to Sell a Lott of Ground in Queen Street the Estate of the said William in right of Deborah his wife decēd for the payment of Debts contracted by his said wife before their Intermarriage, reported from the said Cōmee that they had gone through the same without any amendmt.

Then an amendment was made to the said Bill by this Board as followeth In the fourth fo: after the word [to] ending the fourth line, & before the word [all] beginning the fifth line Incert these words *Her Majesty her Heires & Successors all bodies politick or corporal* & then the said Bill with the amendmt was read and agreed to by this Board.

Ordered, that Mr Mompesson do carry the said Bill to the Assembly and acquaint them that this Board do agree to the said Bill with some amendment to wch they desired the Concurrence of that House.

Robert Walter Esqr Chairman of the Comittee to whom was Comitted the Bill Entituled, An Act for laying a further Duty on ye Tonnage of Vessells & of Slaves & for repealing the Acts heretofore made relating to those Dutys, Reported from the said Comēe that they have gone through the same and made some amendments thereto wch he read in his place and afterwards delivered the same at the Board where the same were read & agreed to

And then another amendment was made to the said Bill by this Board as followeth—fo 8 in the twenty fifth line after the word [applyed] leave out these words [as the Governor Councill and Assembly shall enact] and in liew thereof incert these words [By warrant under the hand of the Governor of this province for the time being by & with the advice and Consent of her Majesty's Councill for the said province for the time being]

Mr Byerley enters his Discent to all the aforesaid amendmts made to the said Bill except the last amendment.

And the said Bill with the said amendments was read the third time and agreed to.

At a Councill held at ffort Anne in New York, this 13th day of Octr, 1712.

PRESENT — *His Excell* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Dr STAATS,
Capt WALTER,
Coll BEEKMAN,
Mr VAN DAM,
Mr MOMPESSON,
Mr BARBERIE,
Mr BYERLEY.

The Bill entituled, An Act to appoint Commrs to Examine & State several Claims alledged as Debts of the Governmt was read the first time and

Ordered. to be read a second time.

Then the said Bill was read the second time & comitted to the Gentlemen of this Board or any five of them

Ordered, that Capt Walter do put the Assembly in mind of the Bill entitled, An Act for paying the respective dues in arrear and to be Collected sent from the Assembly to this Board and by them agreed to with some amendments & returned to the Assembly & Likewise to put them in mind of the Bill for the laying a further Duty on the Tonnage of Vessells and Slaves and for repealing the Acts heretofore made relating to these Duty's likewise agreed to by this Board with some amendments, and returned to the Assembly.

The Bill Entitled, An Act for reviving amending or continuing of sundry Acts relating to the Militia of this province and for making the militia more usefull for the security & Defence thereof was read the first time and

Ordered to be read the second time.

Then the said Bill was read the second time & comitted to the Gentlemen of this Board or any five of them

At a Councill held at Fort Anne in New York, the 14th *day of Octr*, 1712.

PRESENT— *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll DEPEYSTER,
Dr STAATS,
Capt WALTER,
Mr VAN DAM,
Mr MOMPESSON,
Mr BARBERIE,
Mr BYERLEY.

Mr Mompesson reported from the Comēe to whom was Comitted the Bill Entituled, An Act to appoint Commrs to examine & state the Several claims alledged as Debts of the Gouverment that they have gone through the same without any amendmt.

Then the said Bill was read the third time and past without amendment.

Ordered, That Mr Mompesson do acquaint the Assembly yt this Board do agree to the said [Bill] without any amendment.

The Report on the Petition of Coll Schuyler was read and confirmed.

Ordered, That the Secretary lay the said petition before the Assembly and acquaint them that this Board do recomend the consideration thereof to them.

At a Councill held at Fort Anne in New York, this 16th *day of October*, 1712.

PRESENT— *His Excell* ROBt HUNTER, Esqr, &c.,

Coll DEPEYSTER,
Doctor STAATS,
Coll BEEKMAN,
Mr BARBERIE,
Mr BYERLEY.

The Bill Entituled, An Act to Enable Mary Bratt the widow of Johannes Bratt late of the County of Albany to dispose of his Lands and Tenements for payment of his Debts & Educating his Children was read the first time &

Ordered to be read a second time.

Capt Walter took his Place.

The Bill Entituled, An Act for Naturalizing all Foreign Protestants in the Colony of New York was read the first time & ordered to be read a second time.

At a Councill held at Fort Anne in New York, the 20th *day of Octr*, 1712.

PRESENT— *His Excell* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Mr BARBERIE,
Mr BYERLEY.

Mr Van Dam took his place.

A Message from the Assembly by Mr Tenike that he do carry the Bill Entituled, An Act for paying the respective Dues in arrear & to be collected to this Board & acquaint them that that House have agreed to their amendmts made to the Bill.

Capt Walter from Mr Mompesson reported from the Comēe to whom was comitted the Bill Entituled, An Act for preventing suppressing and punishing the Conspiracy and Insurrection of Negroes and other slaves that they have gone through the same and made some amendmts thereto, wch were read and agreed to and the following amendmts were likewise made thereto fo 2 leave out the word [and] beginning the last line and in lieu thereof incert the word [or]

Then the said Bill was by order read the third time and past with the said amendments

Ordered, that Capt Walter do carry the said Bill to the Assembly and acquaint them that this Board do agree to the said Bill with some amendmts to which they desire the concurrence of that House

The Bill Entituled, An Act to Enable Mary Bratt the widdow of Johannes Bratt late of the County of Albany to dispose of part of the Lands and Tenements formerly belonging to the said Bratt for payment of his Debts and Educating his Children, was read the second time and comitted to the Gentlemen of this Board or any five of them.

The Bill Entituled, An Act for Naturalizing all Foreign Protestants in the Colony of New York was read the second time and comitted to the Gentlemen of this Board or any five of them.

At a Councill held at Fort Anne in New York, the 22th day of Octr, 1712.

PRESENT — *His Excell* ROBERT HUNTER, Esqr, &c.,

Doctor STAATS,
Capt WALTER,
Mr VAN DAM,
Mr MOMPESSON,
Mr BYERLEY.

Coll D'Peyster took his place at the Board

His Excellency having sent the Secretary to the Assembly to command their attendance Immediately and they being come His Excellency communicated to them the Letter from the Lords of Trade of the 12th of June Last concerning the proceedings of the Assembly and at the same time delivered to their Speaker a Copy of such paragraphs thereof as related to them

At a Councill held at Fort Anne in New York, this 23th day of Octr, 1712.

PRESENT— *His Excell* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Coll BEEKMAN,
Coll HEATHCOTE,
Mr MOMPESSON,
Mr BARBERIE,
Mr BYERLEY.

Mr Mompesson reported from the Comēe to whom was Comitted the Bill Entituled, An Act to Enable Mary Bratt the widdow of Johannes Bratt late of the County of Albany to dispose of part of the Lands & Tenemts formerly belonging to the said Bratt for payment of his Debts & Educating his Children, that they have gone through the same without any amendment.

Then an amendment was proposed to the Board wch was agreed to and is as follows vizt.

fo 2. leave out all from the word [Bratt] in the ninth line to the word [and] beginning the fourteenth line of the same page and in lieu thereof incert these words, Saving the right of her Majesty her Heirs and Successors, of all Bodies politick, Corporate & of all other persons whatsoever except the Said Mary Bratt and the right heirs of the Said Johannes Bratt.

Then the Said Bill was read the third time & past with the said Amendment.

Ordered, That Mr Mompesson do Carry the Said Bill to the Assembly and Acquaint them that this Board do Agree thereto wth An Amendment to which they desire the Concurrence of yt House.

Mr Mompesson reported from the Comēe to whom was Cōmitted the Bill Entituled, An Act for Naturalizing all Foreign Protestants in the Colony of New York that they have gone through the Same without any amendment.

Then the Said Bill was read the third time & past

Mr Byerley protests against the passing the Bill

Ordered, That Mr Mompesson do Acquaint the Assembly that this Board do Agree to the Said Bill without Any Amendmt.

A Message from the Assembly by Lieut Coll Schuyler that he do Carry to this Board the Bill Entituled, An Act for preventing Suppressing and punishing the Conspiracy & Insurrection of Negroes and other Slaves & Acquaint them that that House have Agreed to the Amendment made thereto by this Board

The Bill entituled, An Act that certain moneys levyed on the Inhabitants of Kings County remaining in the Hands of the Collrs be paid to the Treār of that County was read ye first time and ordered to be read a Second time.

The Bill entituled, An Act for better repairing the Fortifications of the Citty of Albany & Town of Schonectody & providing their Military Watches with firewood was read the first time &

Ordered to be read a Second time.

At a Councill held at Fort Anne in New York, this 29th day of October, 1712.

PRESENT — *His Excellencey* ROBt HUNTER, Esqr, &c.,

Doctor STAATS,
Capt WALTER,
Mr MOMPESSON,
Mr BARBERIE,
Mr BYERLEY.

A Message from the Assembly by Mr Livingston that the Assembly have Agreed to the Amendments made by this Board to the Bill entituled, An Act to Enable Mary Bratt

the widdow of Johannes Bratt late of the County of Albany to dispose of his Lands & Tenements &c

A Message from the Assembly by Mr Cryler [with] the Bill Entituled, An Act for laying a further Duty on the Tonnage of Vessells & on Slaves and for repealing the Acts heretofore made relating to those Duty's whereby he Acquaints this Board that that House Cannott Agree to the Amendment made by this Board to that Bill.

Resolved, that this Board do adhere to their Amendments made to the Said Bill.

Ordered, that Capt Walter do Acquaint the Assembly that this Board do desire a Conferrence with a Comēe of that House on the Subject matter of the Amendments made by this Board to the Said Bill, at the House of Mr Harris to morrow at five of the Clock in the afternoon and the Gentlemen of this Board or any five of them are thereby appointed a Comēe to meet a Comēe of the Assembly Accordingly.

Coll De Peyster took his place

The Bill entituled, An Act for making good the publick Creditt given by An Act of Assembly made in the first year of her Majestyes Reign for raising Eighteen hundred pounds for the uses therein Menconed and for discharging the remaining part of the money still due on the Same advanced upon the Creditt of the Said Act with the Interest thereof, read the first time and

Ordered to be read the Second time.

The Bill entituled, An Act to Enable Isaac De Rienier Senr, Henry Coerten & Isaac De Renier Junr to sell and dispose of the Estate left by Margaretha Selynus late of the City of New York decēd, read the first time and

Ordered to be read a second time to morrow.

On reading the petition of Abraham Governeur, Isaac Governeur & Isaac D'Rienier Junr praying that the said Bill do not pass till the petitioners be heard what they have to alledge agt the same by their Councill. It is

Ordered, that the parties concerned in the sd Bill be served with a copy of the said petition & if they think fitt they may attend this Board to morrow on the Second reading the aforesaid Bill & the matter of the Said petition.

The Bill entituled, An Act that certain moneys levyed on the Inhabitants of Kings County remaining in the Hands of the Collectors be paid to the Trēar of that County was read the Second time and comitted to the Gentlemen of this board or any five of them.

The Bill Entituled, An Act for better repairing the Fortifications of the Citty of Albany and town of Schenectody & providing their Millitary watches with Fire wood, read the Second time & Comitted to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act for reviving An Act Entituled, An Act for the better settling the Militia of this province and making it more usefull for the Security & Defence thereof and for repealing all former acts heretofore made in this province relating to the same, read the first time and

Ordered to be read a Second time.

The Bill entituled, An Act for Electing and appointing four Assessors in the Citty & County of Albany, read the first time and

Ordered to be read a Second time.

The Bill entituled, An Act for Reviving An Act entituled, An Act for the better Settling the Militia of this province & making it more usefull for Security & Defence thereof and for repealing all former acts heretofore made in this province relating to the same read the Second time & Committed to the Gentlemen of this Board or any five of them.

The Bill entituled, An Act for Electing or appointing four Assessors in the Citty & County of Albany, read the Second time and Comitted to the Gentlemen of this Board or any five of them

At a Councill held at Fort Anne in New York this 30th *day of October*, 1712.

PRESENT — *His Excell* ROBERT HUNTER, Esqr, &c.,

Doctor STAATS,	Coll HEATHCOTE,
Capt WALTER,	Mr MOMPESSON,
Coll BEEKMAN,	Mr BARBERIE,
Mr VAN DAM,	Mr BYERLEY.

Mr Byerley reported from the Comittee to whom was Comitted the Bill Entituled, An Act for Electing or appointing four Assessors in the Citty & County of Albany, that they have gone through the same without any Amendment.

Then the said Bill was read the third time & past.

Ordered, that Mr Byerley do acquaint the Assembly that this Board do agree to the Bill without any Amendment.

Mr Barberie reported from the Comittee to whom was Comitted the Bill Entituled, An Act that certain moneys levyed on the Inhabitants of Kings County remaining in the hands of the Collector be paid to the Trēar of yt County, that they have gone through the same without any amendment

Then the said Bill was read the third time and past

Ordered, that Mr Barberie do Acquaint the Assembly that this Board do Agree to the Bill without any Amendment

Capt Walter reported from the Comittee to whom was Comitted the Bill entituled, An Act for reviving An Act entituled, An Act for the better repairing the Fortifications of the Citty of Albany & Town of Shenectody and providing their Millitary watches with fire wood, that they have gone through the same without any Amendment

Ordered, that Capn Walter do Acquaint the Assembly that this Board do Agree with the said Bill without any Amendment.

Doctor Staats reported from the Comittee to whom was Comitted the Bill Entituled, An Act for reviving An Act Entituled, An Act for the better Settling the Militia of this province & making it more usefull for the Security and Defence thereof & for repealing all former Acts heretofore made in this province relating to the same, that they have gone through the same without any Amendment.

Then the said Bill was read a third time & past.

Ordered, that Doctor Staats do Acquaint the Assembly that this Board do Agreed to the said Bill without any Amendmt

The Bill entituled, An Act for making good the publicke Creditt given by An Act of General Assembly made in the first year of her Majesty's reign for raising Eighteen hundred pounds for the uses therein mencōned & for discharging the remaining part of the money still due on the sume advanced upon ye Creditt of the said Act with the Interest thereof, was read the Second time and Comitted to the Gentlemen of this Board or any five of them.

Upon reading the petition of Abraham Governeur, Isaac Governeur, and Isaac D'Reinier Junr praying to be heard by their Councill against the Bill sent up from the Assembly to this Board Entituled, An Act to Enable Isaac De Reinier Senr, Henry Courten & Isaac D'Reinier Junr to Sell and dispose of the Estate of Margareta Selyns late of this Citty, widdow decēd.

Whereupon the petrs were directed to proceed by their Councill & Councill being heard on both Sides

The Bill was read a Second time.

Then the Question was put Whether the Bill be rejected ?

It past in the affirmative.

Then the Question was put Whether the Bill be comitted ?

It past in the Negative.

Ordered, that the Bill be rejected.

At a Councill at Fort Anne in New York this 31th *day of October*, 1712.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Doctor STAATS,	Coll HEATHCOTE,
Capt WALTER,	Mr BARBERIE,
Coll BEEKMAN,	Mr BYERLEY.

His Excellencey communicated to this Board a Message from the Assembly of the 28th Instant by Major Provoost and Mr Livingston that they wait on his Excellency with the humble desires of that House That a Copy of the Representation of the Councill to the said Commrs for Trade and plantations concerning the Assembly may be laid before them as also that his Excell will be pleased to communicate so much of the Letter from the same Lords to his Excellency of the 13th of Novembr (mencōned in the Letter of the twelfth of June) as relates to yt House.

Upon which the said Representation was read and the Councill being of opinion that it contained nothing but what was sufficiently and the truth of it made evident by the proceedings and resolves of the Assembly and the Councills proceedings with relation to those resolves being since approved by the Lords of Trade The Councill are of opinion that ye Governr if he pleases may lay a Copy of the said Representation before the Assembly as they have requested tho' they humbly conceive they lie under no obligation so to do

Mr Byerley reported from the Cōmee to whom was comitted the Bill entituled, An Act for making good the publick Creditt given by An Act of General Assembly made in the first year of her Majestys Reign for raising Eighteen hundred pounds for the uses therein mencōned and for discharging the remaining part of the money Still due on the sume advanced upon the Creditt of the Said Act with the Interest thereof that they have gone through the Same without Any Amendment

Then the Said Bill was read a third time and past.

Ordered, that Mr Byerley do acquaint the Assembly that this Board do agree to the said Bill without Any Amendment.

At a Councill held at Fort Anne in New York, the 6th *day of Novr*, 1712.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER, Mr BARBERIE,
Capt WALTER, Mr BYERLEY.
Mr MOMPESSON,

The Bill Entituled, An Act for Continuing the Excise & laying a Duty on Auctions, Vendues was read the first time and

Ordered to be read a Second time.

Then Mr Van Dam and Coll Heathcote took their places.

Then the Said Bill was read the Second time & Comitted to the Gentlemen of this Board or any five of them

At a Councill held at Fort Anne in New York the 7th *day of Novr*, 1712.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Capt WALTER, Mr BARBERIE,
Coll HEATHCOTE, Mr BYERLEY.
Mr MOMPESSON,

Mr Barberie reported from the Comittee to whom was Committed the Bill Entituled, An Act for continuing the Excise and laying a Duty on Auctions and Vendues that they have gone through the Same and have made Some Amendments thereto wch were read and agreed to

Ordered, that the Said Bill be read a third time wth the Amendments

Then the Said Bill was read the third time and Agreed to with the Amendments.

Resolved, that the Said Bill with the amendmts do pass.

Ordered, that Mr Barberie do Carry the Said Bill with the Amendments to the Assembly and Acquaint them this Board do agree to the Same with Some Amendments to which they desire the Concurrence of that house

At a Councill held at Fort Anne in New York, the 8th *day of Novr*, 1712.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER, Coll HEATHCOTE,
Capt WALTER, Mr BYERLEY.
Mr VAN DAM,

A Message from the Assembly that that House cannot agree to the Amendments made by this Board to the Bill Entituled, An Act for Continuing the Excise and laying a Duty on Auctions an Vendues.

Resolved, that this Board do adhere to their amendmts made to the said Bill.

Ordered, that Mr Byerley do acquaint the Assembly that this Board do desire a conferrence with that house on the subject matter of their amendments made to the said Bill at Harris's on Monday next at five of the clock in the afternoon.

The Bill entituled, An Act for support of Gouvernmt being sent up by the Assembly to this Board for their Concurrence the said Bill was read the first time.

Then the Question was put Whether the Bill be read a second time?

It past in the Negative.

Then the Question was put Whether the said Bill be rejected?

It past in the affirmative.

Resolved, that the said Bill be rejected.

At a Councill held at Fort Anne in New York, the 13th *day of Novr*, 1712.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Mr MOMPESSON,
Mr BARBERIE,
Mr BYERLEY.

Mr Byerley acquainted this Board that the Assembly was adjourned before he gott to their House with a Message to them from this Board to desire a Conferrence on the subject matter of ye amendments made to the Bill Entituled, An Act for Continuing the Excise and laying a Duty on Auctions and Vendues.

Ordered, that Mr Byerley do acquaint the Assembly that this Board do desire a Conferrence with them on the subject matter of the said amendments at the House of Mr Harris at six a clock in the afternoon to morrow.

At a Councill held at Fort Anne in New York, the 15th *day of Novr*, 1712.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Mr VAN DAM,
Coll HEATHCOTE,
Mr MOMPESSON,
Mr BARBERIE,
Mr PHILLIPS,
Mr BYERLEY.

A Message from the Assembly that they cannot agree to a Conferrence with the Councill on the subject matter of ye amendments to a money Bill.

The Bill Entituled, An Act for Repealing part of a clause in An Act Entituled, An Act for the more effectual preservation of Deer and other Game and the distruction of Wolves, Wild Catts & other Vermine was read the first time and

Ordered, to be read a second time.

The said Bill was read a second time and Comitted to the Gentlemen of this Board or any five of them.

At a Councill held at Fort Anne in New York, this 20th *day of Novr*, 1712.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Coll BEEKMAN,
RIP VAN DAM,
Coll HEATHCOTE,
Mr MOMPESSON,
Mr BARBERIE,
Mr BYERLEY.

The Bill entituled, An Act for rendring more effectual a certain clause in An Act of General Assembly passed in the Seventh year of her present Majestys reign Entituled, An Act for preventing the Conspiracy of Slaves and also for rendring more Effectuall one other Certain Clause in An Act of General Assembly passed in the year of our Lord One thousand seven hundred and one Entituled, An Act for allowance to the Representations (*sic*) was read the first time and

Ordered to be read a Second time.

At a Councill held at Fort Anne in New York, the 27th *day of Novr*, 1712.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Doctor STAATS,
Capt WALTER,
Mr VAN DAM,
Coll HEATHCOTE,
Mr BYERLEY.

The Bill entituled, An Act for rendring more Effectuall a certain clause in An Act of General Assembly past in the Seventh year of her present Majesty's Reign Entituled, An Act for

preventing a Conspiracy of Slaves and also for rendring more Effectuall one other Certain Clause in An Act of General Assembly passed in the year of our Lord One thousand Seven hundred & nine *(sic)* entituled, An Act for allowance to the Representatives, was read the Second time and Comitted to the Gentl of this Board or any five of them.

At a Councill held at Fort Anne in New York, this 10th *day of Decr*, 1712.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,	Mr VAN DAM,
Doctor STAATS,	Mr PHILLIPS,
Capt WALTER,	Mr BYERLEY.

His Excellency told the Councill that yesterday he had a Message from the Assembly Acquainting him with the Small number of their members now in Town and that they do not Expect an Addition, wherefore he thought it necessary to adjourn or prorogue them for some time.

Whereupon it is the Opinion of this Board that they be prorogued to the 25th of March next.

Then the Governor sent to desire the Attendance of the Assembly who being present he gave his Assent to these foll: Bills, vizt.

An Act for paying the respective dues in Arrear & to be collected

An Act for preventing Suppressing and punnishing the Conspiracy and Insurrection of Negroes and other Slaves.

An Act to Enable William Anderson to Sell a Lott of Ground in Queenstreet the Estate of the Said William in right of Deborah his wife decēd for the payment of Debts contracted by his Said wife before their Intermarriage.

An Act for the Treasurers paying two hundred and fifty ounces of plate to his Excellency and that Coll Peter Schuylers receipt shall discharge the Trēar for one hundred pounds formerly allowed him.

An Act to appoint Commrs to Examine and State Several Claims alledged as Debts of the Goverment.

An Act to Enable Mary Bratt the Widdow of Johannes Bratt late of the County of Albany to Dispose of his Lands and Tenements for payment of his Debts and Educating his Children.

An Act that certain moneys levyed on the Inhabitants of Kings County remaining in the Hands of the Collectors be paid to the Treār of that County.

An Act for the better repairing the Fortifications of the City of Albany and Town of Schenectody and providing their millitary watches with Firewood

An Act for making good the publick Creditt given by An Act of General Assembly made in the first year of her Majesty's Reign for raising Eighteen hundred pounds for the uses therein mencōned and for discharging the remaining part of the money still due on the sume advanced upon the Creditt of the said Act with the Interest thereof.

An Act for Electing or appoynting four assessors in the Citty & County of Albany.

An Act for reviving An Act entituled, An Act for the better settling the Militia of this Province and making it more usefull for the security and Defence thereof and for repealing all former acts heretofore made in this province relating to the same.

Then his Excellency prorogued them to the 25th day of March next and went with the Councill and Assembly to publish the said Acts.

[IN EXECUTIVE SESSION.]

3d *March* 17$\frac{12}{13}$.

His Excellency acquainted the Councill that the reason of their meeting at this time was to advise with them about the Assembly whether it be most expedient for her Majestyes service to dissolve the present Assembly and call a new Assembly or that the present Assembly do sett again

Whereupon it is the opinion of this Board that the present Assembly be DISSOLVED and accordingly it is

Ordered, that his Excellency Issue out his Proclamation for the DISSOLVING this present Assembly.

26 *March* 1713.

It is the opinion of this Board, and accordingly it is

Resolved that the Writts for the Election of the Assembly be returnable the twelfth day of May next.

FIFTEENTH ASSEMBLY FIRST SESSIONS.

At a Councill held at Fort Anne in New York, the 27th day of May, 1713.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,	Mr MOMPESSON,
Doctor STAATS,	Mr BARBERIE,
Cap^n WALTER,	Mr PHILLIPSE,
M^r VAN DAM,	Mr BYERLEY.
Coll HEATHCOTE,	

The members of the Assembly in town being sent for took the usual oaths, after which his Excellency recōmended to them to return to their House and Choose their Speaker.

The Assembly having made choice of Wm Nicol Esqr for their Speaker, whom his Excellency approved of and then made the following Speach—

Gentlemen,

You are a new Assembly, and so not accountable for the wrong steps in the former or concerned in ye vindication of them, so what I am about to say must not be otherways construed than as a caution to you, that you walk not in their ways, so displeasing to her Majesty & so Justly resented by her;

You are called togeather in order to settle a revenue for the support of her Majestyes Governm^t not to settle ye Governm^t for that is already done by the only authority upon Earth, that has a right to do't, so to save your time and to spare your Trouble I shall now informe you of some things that it will be needless for you to endeavour or attempt, for this, among other good reasons, that they are not within my power to graunt of wch I shall be ready at any time to convince the most scrupulous amongst you when he shall desire it.

First, it will be vain for you to endeavour to Lodge ye money destin'd for the Support of Governm^t in the hands of any other than the officers appointed by her Majesty for that very purpose by her Comission under the great Seal of England, for by the same rule and a [parity of Reason] you may assume to your selves a power of Nominating a person or persons for Executing the Office of Govr Nevertheless if you are so resolved you may putt the Countrey to ye Expence of a Treasurer for the Custody of money raised for Extraordinary uses

In the next place it will be fruitless to attempt to divert the Course of publick paym^ts or to put them into any other Channel then that prescribed by her Majesty's Letters Patent and Instructions wch is a warr^t under the Hand of the Governo^r by and wth the advice and consent of her Majestyes Councill. That Attempt will appear to all thinking men the more unreasonable after the ample security wch I offered to the last Assembly against the misapplications wch offer I now renew to you as it stands in the Journalls of your House & to them I referr you.

Lastly, her Majesty being the sole and undoubted Judge of the Services & rewards of her Servants in this Goverm^t it will be as vain as it will be disrespectfull for you by making y^r selves the Judges to endeavour to take that right from her.

Having told you what I cannot do, I shall now Acquaint with what I will readily and willingly do. I shall give my assent to all such Laws as shall be presented to me for the Care Quiet or advantage of this Colony in General or any of her Majesty's good Subjects in it in particular, providing they do not clash with her Majestyes Rights, prerogative or Instructions, and that they accompany the Bill for Support of her Majestyes Goverm^t for without that it will be but time mispent to prepare any Except such as are of imēdiate and absolute necessity, for I am firmly resolved to reserve these favours for that Assembly, that shall first make that Dutifull & gratefull return to her Majesty for her royal Care & her so often repeated Acts of grace & bounty wch she most assuredly Expects from you

And now Gentlemen in order to prevent a world of Trouble & needless debate I shall take leave to propose one Leading Question to you—Are you resolved to submitt to such rules of Government as are prescribed in her Majestyes Letters patent & Instructions.

For preventing of groundless disputes & misunderstandings between you and her Majestyes Councill give me leave to advise a remedy wch is practiced with success in other provinces that is, That you would be pleased to meet with them as frequently as conveniently may be to consult & mutually advise what may be Judged necessary in framing of all Bills, which will prevent the necessity of amendments and consequently all disputes relating to the right of making them.

Thus having acquainted you with what things I cannot do, & what I am willing to do, I shall not doubt but that you will readily do what is Incumbent upon you Especially considering the danger of Delays of which you may be well Convinced by the Letters of the Lords Comm^rs of Trade & plantations to me by their order cōmunicated to ye last Assembly incerted in their Journalls & to wch I referr you, You have still a fair opportunity to avert the consequences wch threaten you, I hope you will lay hold of it. As for my own part having done my duty & nothing without the bounds of my duty I wash my hands of them & leave them at the door of those who with both their hands have drawn them down; when you have under your consideration (as it is Impossible you should not), the crying Debts of the Governm^t I must Earnestly recomend to you y^t to ye Lady Lovelace wch by her Majestyes Letter to me wch you also have in your Journals you will find she has very much at heart.

After which the Speaker desired his Excellency that they may Enjoy their usuall priviledges.

At a Councill held at Fort Anne in New York, this 2^d day of June, 1713.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
M^r VAN DAM,
Mr BARBERIE,
Mr BYERLEY.

Ordered, That the Attorney General prepare and lay before this Board a Bill for Continuing the Militia Act for one year.

At a Councill held at Fort Anne in New York, this 4th day of June, 1713.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Doctor STAATS,
Capt WALTER,
M^r VAN DAM,
Mr BEEKMAN,
Mr BYERLEY.

The Bill entituled, An Act for reviving and continuing An Act entituled, An Act for the better Settling the Militia of this province & making it more usefull for the Security and Defence thereof was read the first time and

Ordered to be read a Second time.

Then the said Bill was read a Second time & comitted to ye Gentlemen of this Board or any five of them.

At a Councill held at Fort Anne in New York, the 10th day of June, 1713.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Mr MOMPESSON,
Mr BARBERIE,
Mr BYERLEY.

His Excellency communicated to this Board a Petition presented to him by the late Grand Jury of this Citty and County against Vendues and Pedlars.

Ordered, that the Sēcry lay ye same before the Assembly & recōmend to them to this (sic) Board the consideration thereof.

His Excellency communicated to this Board a Letter from Lieu^t Huddy from the Mohocks Country of the 1st Instant complaining against the Selling Rum to the Indians. Whereupon it is

Ordered, that the Sēcry lay the said Letter before the Assembly and recōmend it to them from this Board to pass a Bill to prevent the Selling or giving Rum or other strong liquors to the Indians.

Mr Mompesson reported from the Cōmee to whom was committed the Bill entituled, An Act for reviving and continuing An Act Entituled, An Act for the better Settling the Militia of this province and making it more usefull for the Security and Defence thereof, that they have gone through the same with some amendm^ts which were read and agreed to.

Ordered, that the Bill with the amendments be Engrossed.

At a Councill held at Fort Anne in New York, this 11th *day of June*, 1713.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,	Col HEATHCOTE,
Doctor STAATS,	Mr MOMPESSON,
Capt WALTER,	Mr BARBERIE,
Coll BEEKMAN,	Mr BYERLEY.

The Engrossed Bill entituled, An Act for reviving and Continuing An Act for the better settling of the Militia of this province & making it more usefull for the security and Defence thereof & for repealing all former acts heretofore made in this province relating to the same, was read.

Resolved, that the Bill do pass.

Ordered, that Mr Mompesson do carry the Bill to the Assembly and desire their Concurrence thereto.

At a Councill held at Fort Anne in New York, this 15th *day of June*, 1713.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll SCHUYLER,	Mr VAN DAM,
Coll D'PEYSTER,	Col HEATHCOTE,
Doctor STAATS,	Mr PHILLIPSE,
Captain WALTER,	Mr BYERLEY.

His Excellency communicated to this Board a Letter from the Commrs of the Indian Affairs of the 3d Instant as also the propositions of two Sinike Sachims & D Canasora an Onnondage Sachim whereby it is plain that the Tuscarora Indians who are in Warr with her Majestyes Subjects in Carolina are coming to settle with the five Nations. That the five Nations are in actuall war with the fllattheads who are in alliance with her Majestyes subjects of Virginia and Carolina and assisted the people of Carolina in their warr against the Tuscororas

It is the opinion of this Board that a Letter be writt to the Commrs of the Indian affairs at Albany directing them to acquaint the five Nations that the Tuscororas having entred into a Bloody and Barbarous Warr against her Majestyes Subjects in Carolina without any provocation given them, that they do not upon any pretence whatsoever receive any of the Tuscororas amongst them nor permitt them to settle with them nor to give them any countenance or assistance untill such time as they have made a peace with her Majesty's Subjects

And that they do not permitt any of their people to Comitt any Hostilitys against the fllatheads who are not only in peace wth her Majestyes Subjects but are likewise actually assisting to them in their warr with the Tuscaroras. It is

Ordered, that the said Letter and propositions as likewise the Resolution of this Board thereupon be laid before the Assembly togeather with the Letters from the Goverms of Virginia and Carolina

And that this Board does likewise recomend to the Assembly ye Consideration of the ill consequences that may attend this Goverment in case the Indians should fllall upon us, and no fund or vote of Creditt for the payment of any Forces for our own Defence.

At a Councill held at Fort Anne in New York, this 17th *day of June*, 1713.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col SCHUYLER,	Mr MOMPESSON,
Col D'PEYSTER,	Mr BARBERIE,
Doctor STAATS,	Mr PHILLIPSE,
Capt WALTERS,	Mr BYERLEY.

A Message from the Assembly that they have agreed to ye Bill entituled, An Act for reviving & Continuing An Act entituled, An Act for the better Settling of the Militia of this province and making it more useful for the Security and Defence thereof & for repealing all former Acts heretofore made in this province relating to the Same, without any amendmt

A Message from the Assembly that they have past a Bill entituled, An Act for mending and keeping in repair the Post road from New York to Kings Bridge to which they desire the Concurrence of this Board.

Ordered, that the Said Bill be read the first time
Then the Said Bill was read the first time and
Ordered to be read a Second time
Ordered, That the Attorney General do prepare a Bill to prevent the Selling or giving Rum or other Strong liquors to the Indians.

At a Councill held at Fort Anne in New York, the 18th *June*, 1713.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col SCHUYLER,
Col D'PEYSTER,
Doctor STAATS,
Mr VAN DAM,
Mr BYERLEY.

The Bill entituled, An Act for mending and keeping in repair ye Post Road from New York to Kings Bridge was read a Second time and Cõmitted to the Gentlemen of this Board or any five of them.

The Bill entituled, An Act to prevent the Selling or giving of Rum and other Strong liquors to the Indians read the first time &
Ordered to be read a Second time
The Bill entituled, An Act to prevent the Selling or giving Rum and other Strong liquors to the Indians was according to order read a Second time & Comitted to the Gentlemen of this Board or any five of them.

At a Council held at Fort Anne in New York, his 19th *June*, 1713.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col SCHUYLER,
Doctor STAATS,
Capt WALTER,
Col HEATHCOTE,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

His Excellency Communicated to this Board a Letter from Lawrence Chasse of the 18th Instant to the Commrs of the Indian Affairs, a Letter from the Said Commrs to his Excellency of the 11th Instant importing that the five Nations have returned the Belt of Wampum given them not to enter into Warr with the flattheads and desiring Some of the principal men of Albany may be sent to Onnondage with presents to hinder their entring into that warr.

Ordered, that the Sẽcry lay the Said Letters before the Assembly & Acquaint them that this Board think it absolutely necessary that Some Gentlemen of the best Note be sent from Albany to Onnondage to prevent the five Nations from joining the Tuscaroras & with them entring into a Warr with the flat Heads the friends & allies of her Majestyes Subjects in Carolina & Virginia & that it will be highly necessary that those Gentlemen carry such presents with them as may be effectual to divert their present intentions and that those Gentl be likewise paid for their Journey, and that this Board does recomend to the Assembly to pass a resolve for defraying those Expenses out of the Colony's money in the Trẽars hands.

At a Council held at Fort Anne in New York, this 20th *day of June*, 1713.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col SCHUYLER,
Doctor STAATS,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

Mr Byerley reported from the Comittee to whom was Comitted the Bill Entituled, An Act for mending & keeping in repair the Post road from New York to Kings Bridge that they have gone through the same with some Amendments which were read and agreed to by the Board and the following Amendmts were likewise made, fo: 2 after the word [least] ending the ninth line incert these words [provided always & it is the true Intent & meaning of this Act that all and every person and persons oblidged by this Act to work in repairing any of the roads aforesaid may send a suffi Negro or Negros to work in his or their stead any thing herein to the contrary notwithstanding

Ordered, that the Bill with the Amendments be read a third time.

Then the said Bill was read a third time and past wth the amendments

Ordered, that Mr Byerley do carry the said Bill wth the Amendments to the Assembly and Acquaint them that this Board does agree to the same with some amendm^ts^ to which they desire the concurrence of that House

The Bill Entituled, An Act for reviving that part of An Act for prohibiting the distilling of Rum & burning of Oysters, Oystershells or Stone into Lyme within the City of New York or within half a mile distance of the City Hall of the said Citty relating to the burning of Oysters, Oystershells or Stone into Lyme;

An Act entituled, An Act for the preservation of Deer and one Act entituled,

An Act to prevent Damages by Swine in the County of West Chester, Queens County and the County of Richmond

Was read the first time and ordered to be read a Second time.

The Bill entituled, An Act for repealing part of a clause in An Act entituled, An Act for the more effectual preservation of Deer and other Game and the Distruction of Wolves, wild Catts & other vermine was read the first time and

Ordered to be read a Second time.

The Engrossed Bill Entituled, An Act to prevent ye selling and giving of Rum and other Strong liquors to the Indians was read a third time and past.

Ordered, that Mr Byerley do carry the said Bill to the Assembly and desire their Concurence thereto

At a Councill held at Fort Anne in New York, the 23^d^ *June*, 1713.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col SCHUYLER,
Col D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Mr BYERLEY.

The Bill Entituled, An Act for the County of Ulster to pay the arrears due to their Representatives & for Dutchess County to Elect a Supervisor, a Treasurer, Assessors and Collectors read the first time and

Ordered to be read a Second time.

Mr Barberie took his place at the Board.

Mr Phillipse took his place at the Board.

The Bill Entituled, An Act for the County of Ulster to pay ye Arrears due to their Representatives and for Dutchess County to Elect a Supervisor, a Treasurer, Assessors & Collectors, read a Second time & Committed to the Gentl of this Board or any five of them.

The Bill entituled, An Act for reviving that part of An Act entituled, An Act for prohibiting the distilling of Rum & burning Oysters, Oystershells & Stone into Lyme within the Citty of New York or within half a mile distance of the Citty Hall of the said Citty relating to the Burning of Oysters, Oystershells or Stone into Lyme;

An Act entituled, An Act for the preservation of Deer, and one Act entituled,

An Act to prevent damages by Swine in the County of West Chester, Queens County & the County of Richmond

Read a Second time & Comitted to ye Gentlemen of this Board or any five of them.

The Bill Entituled, An Act for repealing part of a clause in An Act entituled, An Act for the more Effectual preservation of Deer & other Game and the Destruction of Wolves, Wild Catts & other Vermine, read a Second time and Comitted to the Gentlemen of this Board or any five of them.

At a Council held at Fort Anne in New York, the 25th *of June*, 1713.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Capt WALTER,
Coll BEEKMAN,
Coll HEATHCOTE,
M^r^ VAN DAM,
Mr MOMPESSON,
Mr PHILLIPSE,
Mr BYERLEY.

A Message from the Assembly that they Agree to the last Amendment made by this Board to the Bill entituled, An Act for mending and keeping in repair the Post Road from New York to Kings Bridge and disagree to the first and Second Amendments.

Resolved, that this Board do adhere to their Amendm^ts made to the Said Bill.

Ordered, that the Gentlemen of this Board or any five of them be a Comittee to draw up reasons for the Councills insisting on their Said Amendments.

The Bill Entituled, An Act to impower ffrederick Phillipse a Minor to remove Kings Bridge to a more Cōmodious place & for Confirming the Toll thereof was read the first time &

Ordered to be read a Second time.

Mr Mompesson for Mr Barberie reported from the Cōmee to whom was Comitted the Bill entituled, An Act for repealing part of a clause in An Act entituled, An Act for the more Effectual preservation of Deer and other Game and the distruction of Wolves, Wild Catts & other Vermin, that they have gone through the Same without Amendm^t

Ordered, y^t the Said Bill be read a third time

Then the Said Bill was read the third time and past w^th^out Any Amendment.

Ordered, that Mr Mompesson do acquaint the Assembly that this Board do agree to the Said Bill without any Amendment.

At a Councill held at Fort Anne in New York, the 27th *June*, 1713.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col D'PEYSTER,
M^r VAN DAM,
Mr MOMPESSON,
Mr PHILLIPSE,
Mr BYERLEY.

The Bill entituled, An Act for a Supply to be granted to her Majesty for Supporting the Goverment was read the first time &

Ordered to be read a second time.

Then the Said Bill was read the Second time and Cōmitted to the Gentlemen of this Board or any five of them

The Bill entituled, An Act for the further laying out, regulating and better clearing publick High Ways throughout this Colony was read the first time and

Ordered to be read a Second time

The Bill entituled, An Act for laying a Duty on the Tonnage of Vessells and on Slaves was read the first time &

Ordered to be read a Second time.

Then the Said Bill was read the Second time an Committed to the Gentlemen of this Board or any five of them.

The Bill entituled, An Act to impower ffrederick Phillipse a Minor to remove Kings Bridge to a more Comodious place & for Confirming the Toll thereof, Read a 2^d time & Comitted to ye Gentlemen of this Board or any ffive of them.

At a Councill held at Fort Anne in New York, this 29th *June*, 1713.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Capt WALTER,
Coll BEEKMAN,
Mr MOMPESSON,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

The Bill entituled, An Act for the further laying out regulating and better Clearing publick High Ways throughout this Colony was read the Second time and Comitted to the Gentl of this Board or any five of them.

The Consideration of the Amendments made by the Assembly to the Bill Entituled, An Act to prevent the Selling & giving of Rum and other Strong liquors to the Indians is referred to the Gentl of this Board or any five of them who are to report their opinion thereof to this Board.

At a Councill held at Fort Anne in New York, the 30th day of June, 1713.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Coll BEEKMAN,
Mr VAN DAM,
Mr MOMPESSON,
Mr BYERLEY.

The Bill Entituled, An Act for the discharging of Killian van Renslaer, Derick Wessells, Meyndert Schuyler, Peter van Brugh & Hendrick Hansen of the Citty of Albany in the County (sic) of New York of and from all Debts, dues & Demands whatsoever for and Concerning the provision, amunition & other Stores of Warr formerly in their hands belonging to this Colony, was read ye first time and

Ordered to be read a Second time.

At a Councill held at Fort Anne in New York, this 1st day of July, 1713.

PRESENT— *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col D'PEYSTER,
Col HEATHCOTE,
Mr MOMPESSON,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

Col Heathcote for Capt Walter reported from the Comittee to whom was Comitted the Bill entituled, An Act for a Supply to be granted to her Majesty for Supporting the Government, that they have gone through the Same without any Amendmt

Ordered, that the said Bill be read a third time.

Then the said bill was read a Third time and past.

Ordered, that Col Heathcote do acquaint the Assembly that this Board does agree to the said Bill without any amendmt

Mr Byerley reported from the Comittee to whom was Comitted the Bill entituled, An Act to impower ffrederick Phillipse a minor to remove Kings Bridge to a more Comodious place & for Confirming the Toll thereof, that they have gone through the same and made two amendments thereto which were read and agreed to by the Board.

Ordered, that the said Bill be read a third time with the Amendments.

Then the said Bill with the Amendments was read ye third time and past.

Ordered, that Mr Byerley do carry the said Bill to the Assembly and Acquaint them that this Board does agree to the same wth some Amendments to which they desire the concurrence of that House.

The Bill entituled, An Act for Discharging of Killian Van Renslaer, Derick Wessells, Meyndert Schuyler, Peter Van Brugh, & Hendrick Hansen of the Citty of Albany in the Colony of New York of & from all Debts, Dues and Demands whatsoever for and Concerning the provision, Amunition and other Stores of Warr, formerly in their Hands belonging to this Colony was read the Second time and Comitted to the Gentlemen of this Board or any five of them.

A Message from the Assembly that they have past a Bill entituled, An Act for Appointing An Agency for New York at Great Britain to which they have desired the Concurrence of this Board

Ordered, that the said Bill be read the first time

Then the said Bill was read the first time &

Ordered to be read a Second time.

A Message from the Assembly that they have past a Bill entituled, An Act for naturalizing all foreign Protestants living in the Colony of New York to which they desire the Concurrence of this Board

Ordered, that the said Bill be read the first time.

Then the said Bill was read the first time and

Ordered to be read a Second time.

A Message from the Assembly that they have past a Bill entituled, An Act for the Trēars paying the Sume of one hundred & twenty five ounces of plate unto Peter Van Brugh and Hendrick Hansen Esqrs late Commrs at Albany to which they desire the Concurrence of this Board.

Ordered, That the said Bill be read the first time.

Then the said Bill was read the first time and

Ordered to be read the Second time.

Mr Mompesson withdrew.

A Message from the Assembly that they have past a Bill entituled, An Act for the Trēars paying the money therein mentioned to wch they desire the Concurrence of this Board,

Ordered, that the said Bill be read the first time.

Then the said Bill was read the first time and

Ordered to be read the Second time.

At a Councill held at ffort Anne in New York, the 1st *day of July*, 1713,

At six a clock in the Afternoon.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col D'PEYSTER,
Capt WALTER,
Col HEATHCOTE,
Mr MOMPESSON,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

A Message from the Assembly that they have agreed to ye amendments made by the Councill to the Bill entituled, An Act to impower ffrederick Phillipse a minor to remove Kings Bridge to a more Comodious place & for Confirming the Toll thereof.

His Excellency sent the Sēcry to require the attendance of ye Assembly and they being come his Excellency gave his assent to ye foll. Bills, Enacting the same and ordering them to be enrolled, vizt.

An Act for a Supply to be granted to her Majesty for supporting ye Government.

An Act for reviving and continuing An Act Entituled, An Act for the better settling of the Militia of this province & making it more useful for the security & Defence thereof and for repealing all former Acts heretofore made in this province relating to the same.

An Act for repealing part of a clause in An Act entituled, An Act for ye more Effectual preservation of Deer and other Game & the destruction of Wolves, Wild Catts and other Vermin

An Act to impower ffrederick Phillipse a minor to remove Kings Bridge to a more Comodious place & for confirming the Toll thereof

At a Councill held at Fort Anne in New York, the 2d *July*, 1713.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Capt WALTER,
Col BEEKMAN,
Mr VAN DAM,
Mr MOMPESSON,
Mr BARBERIE,
Mr PHILLIPSE
Mr BYERLEY.

The Bill Entituled, An Act for Naturalizing all foreign Protestants living in the Colony of New York was read the second time and comitted to the Gentlemen of this Board or any five of them.

The Bill entituled, An Act for the Treār's paying the sūme of one hundred and twenty five ounces of plate unto Peter Van Brugh & Hendrick Hansen Esqrs late Commrs at Albany was read ye second time & comitted to the Gentlemen of this Board or any five of 'em

The Bill entituled, An Act for appointing an Agency for New York at Great Britain was read the second time and comitted to the Gentlemen of this Board or any five of them

At a Councill held at Fort Anne in New York, this 4th *July*, 1713.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col D'PEYSTER,
Capt WALTER,
Col HEATHCOTE,
Mr MOMPESSON,
Mr PHILLIPSE,
Mr BYERLEY.

The Bill entituled, An Act for the Treārs paying sundry sūms of money to the several persons hereafter named was read the first time and

Ordered, to be read a second time.

The Bill entituled, An Act for the Establishing Courts of Judicature for the Ease and Benefitt of each Citty, town & County within this province was read the first time and

Ordered to be read a second time.

The Bill entituled, An Act for laying a duty on goods sold by Auction, Vendue or Outcry was read the first time &

Ordered to be read a second time.

Capt Walter reported from the Comittee to whom was Comitted the Bill entituled, An Act for the Trēars paying the Sūme of one hundred & twenty five ounces of plate unto Peter Van Brugh & Hendrick Hansen Esq^rs late Comm^rs at Albany, that they have gone through the same without any Amendm^t

Ordered, that the said Bill be read the third time

Then the said bill was read the third time and past w^thout amendm^t

Ordered, that Capt Walter do Acquaint the Assembly that this Board does agree to the said Bill without any Amendment.

Mr Phillipse reported from the Comittee to whom was Comitted ye Bill entituled, An Act for Naturalizing all Foreign Protestants living in the Colony of New York, that they have gone through the same w^thout any Amedment.

Ordered, that the said Bill be read the third time

Then the said Bill was read the third time & past w^thout Amendm^t.

Ordered, that Mr Phillipse do Acquaint the Assembly that this Board do agree to the said Bill without any Amendm^t

Col Heathcote reported from the Comittee to whom was Comitted the Bill entituled, An Act for reviving that part of An Act entituled, An Act for prohibiting the distilling of Rum & Burning of Oysters, Oystershells or Stone into Lyme within the Citty of New York or within half a mile distance of the Citty Hall of the said Citty relating to the Burning of Oysters, Oystershells or Stone into Lyme;

An Act entituled, An Act for the preservation of Deer and one Act entituled, An Act to prevent Damages by Swine in the County of West Chester, Queens County & the County of Richmond, that they have gone through the same & made some Amendm^ts thereto wch were read and agreed to by the Board

Ordered, that the said Bill with the Amendments be read the third time.

Then the said Bill was read the third time wth ye Amendm^ts and past.

Ordered, that Col Heathcote do carry the said Bill to ye Assembly and Acquaint them that this Board does agree to the same wth some Amendm^ts to which they desire the Concurrence of that House.

Mr Byerley reported from the Comittee to whom was Comitted the Bill entituled, An Act for the County of Ulster to pay the Arrears due to their Representatives and for Dutchess County to Elect a Suꝑviser, a Treasurer, Assessors & Collectors that they have gone through the same & made some Amendments thereto which were read & agreed to.

Ordered, that the said Bill with the Amendments be read the third time

Then the said Bill with the Amendm^ts was read the third time & past.

Ordered, that Mr Byerley do carry the said Bill to the Assembly & acquaint them that this Board do agree to the same with some Amendments to which they desire the Concurrence of that House.

Coll Heathcote reported from the Comittee to whom was Comitted the Bill entituled, An Act for the further laying out, regulating & better clearing publick High Ways throughout this Colony that they have gone through the same & made some Amendments thereto wch were read & agreed to by the Board.

Ordered, that the said Bill with the Amendm^ts be read ye third time

Then the said Bill was read the third time with the Amendments and past.

Ordered, That Coll Heathcote do carry the said Bill to the Assembly and acquaint them that this Board do agree to ye same with some amendments to which they desire the Concurrence of that House.

The Comēe having prepared reasons for their insisting on ye two first amendments made by them to the Bill Entituled, An Act for mending and keeping in repair the Post road from New York to Kings Bridge, the same were read and agreed to.

Ordered, that Mr Byerley do acquaint the Assembly that this Board desires a Conferrence with that House on the subject mrē of the two first amendments made by them to the Bill entituled, An Act for mending & keeping in repair the Post road from New York to Kings Bridge on Munday next at seven a Clock in ye Evening at the House of Bernardus Hardenbrook

And that the Gentlemen of this Board or any five of them be a Comittee for that purpose.

This Board having Considered the Amendm^ts made by the Assembly to the Bill entituled, An Act to prevent the selling and giving of Rum & other strong liquors to the Indians agree to their first amendm^t with this other amendment to be made thereto vizt page 1st Lin 14 Leave out these words [or upon the water]

This Board does likewise agree to all the other amendments made by the Assembly to the said Bill with this amendm^t likewise to their last amendment vizt That between the word

[Debarr] and the word [the] in the said last amendments, these words be incerted [his Excell^cy or]

Mr Mompesson withdrew

The Bill entituled, An Act for the Treasurers paying the money therein mentioned was read the second time & Comitted to the Gentl of this Board or any five of them.

Mr Mompesson took his place

The Bill entituled, An Act for continuing An Act entituled, An Act for laying an Excise on all strong liquors retailed in this Colony was read the first time &

Ordered to be read the second time

The Bill Entituled, An Act for the Treārs paying the arrears due to the Clerk & Doorkeepers to the General Assembly of this Colony & paying the Printers salary was read the first time and

Ordered to be read the second time.

At a Councill held at Fort Anne in New York, the 6th *day of July*, 1713.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col D'PEYSTER,	Mr BARBERIE,
Col BEEKMAN,	Mr PHILLIPSE,
M^r VAN DAM,	Mr BYERLEY.
Mr MOMPESSON,	

The Bill entituled, An Act for continuing An Act entituled, An Act for laying an Excise on all Strong liquors retailed in this Colony was read the second time and Comitted to the Gentl of this Board or any five of them.

The Bill Entituled, An Act for the Treasurers paying ye arrears due to the Clerk & Doorkeepers to the General Assembly of this Colony & paying the Printers salary was read the second time & Comitted to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act for the Treārs paying sundry sums of money to the several persons hereafter named was read the second time and Comitted to the Gentlemen of this Board or any five of 'em

The Bill Entituled, An Act for Establishing Courts of Judicature for the ease and benefitt of each Citty, town & County within this Colony was read the second time & Comitted to the Gentl of this Board or any five of them

The Bill entituled, An Act for laying An Excise on all Strong liquors retailed in this Colony sent from the Assembly to the Councill for their Concurrence was read the first time &

Ordered to be read a Second time

Then the Said Bill was read the Second time & Comitted to the Gentlemen of this Board or any five of them

At a Councill held at Fort Anne in New York, this 17th *day of July*, 1713.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,	M^r VAN DAM,
Doctor STAATS,	Mr BARBERIE,
Capt WALTER,	Mr PHILLIPSE,
Coll BEEKMAN,	Mr BYERLEY.

Coll D'Peyster reported from the Comittee to whom was Comitted the Bill Entituled, An Act for laying a Duty on the Tonnage of Vessells & on Slaves, that they have gone through ye Same without Any Amendment.

Ordered, that the Said Bill be read ye third time

Then the Said Bill was read the third time & past without any Amendment.

Ordered, that Col D'Peyster acquaint the Assembly that this Board does agree to the Said Bill without Any Amendment

Coll Beekman reported from the Comittee to whom was Comitted the Bill entituled, An Act for laying a Duty on Goods Sold by Auction, Vendue or Outcry, that they have gone through the Same without any Amendment.

Ordered, that the Said Bill be read ye third time

Then the Said Bill was read the third time & past without Amendment.

Ordered, that Col Beekman Acquaint the Assembly That this Board does agree to the Same without Any Amendment

Capt Walter reported from the Comittee to whom was Comitted the Bill Entituled, An Act for Continuing An Act Entituled, An Act for laying an Excise on all Strong liquors retailed in this Colony, that they have gone through the Same without any Amendmt

Ordered, that the Said Bill be read ye third time

Then the Said Bill was read third time & past wthout any Amendment.

Ordered, that Capt Walter do acquaint the Assembly that this Board does agree to the Said Bill without any Amendmt

Mr Phillipse for Coll Heathcote reported from the Comittee to whom was Comitted the Bill Entituled, An Act for laying an Excise on all Strong liquors retailed in this Colony, that they have gone through the Same without Any Amendmt

Ordered, that the Said the third time. (*sic*)

Then the Said Bill was read the third time and past without amendment.

Ordered, that Mr Phillipse do acquaint the Assembly that this Board do agree to the Said Bill without Any Amendment.

Mr Barberie for Mr Mompesson reported from the Comittee to whom was Comitted the Bill entituled, An Act for the Trēars paying Sundry Sūms of money to the Several persons hereafter named that they have gone through the Same without any Amendmt.

Ordered, that the Said Bill be read the third time & past without amendment.

Ordered, that Mr Barberie do Acquaint the Assembly, that this Board do agree to the Said Bill without any Amendment.

Mr Van Dam for Coll Heathcote reported from the Cōmee to whom was Comitted the Bill entituled, An Act for the Trēars paying the money therein mencōned, that they have gone through the same without any Amendmt.

Ordered, that the said Bill be read ye third time

Then the said Bill was read the third time & past without any Amendment.

Ordered, that Mr Van Dam do Acquaint ye Assembly that this Board does agree to the said Bill without any Amendmts

Mr Byerley reported from the Comittee to whom was Comitted the Bill entituled, An Act for the Trēars paying the Arrears due to the Clerk and Doorkeepers to the General Assembly of this Colony & paying the Printers Salary, that they have gone through ye same without any Amendment.

Ordered, that the said Bill be read the third time.

Then the said Bill was read the third time & past without Amendment.

Ordered, that Mr Byerley do Acquaint the Assembly that this Board does agree to the said Bill without any Amendment.

The Consideration of the Clerks Salary charged in Mr Byerleys accots of Quitt rents is referr'd to the Gentlemen of this Board or any five of them.

The Bill entituled, An Act to oblidge the County of Ulster to Satisfye what that County is in Arrear to Coll Jacob Rutsen and Adrian Garretsen Esqrs, was read the first time &

Ordered to be read a Second time

FIFTEENTH ASSEMBLY SECOND SESSIONS.

At a Councill held at Fort Anne in New York, this 15th *day of Octr*, 1713.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Col D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Mr MOMPESSON,
Mr BYERLEY.

The order of the Assembly of the Sixth of July last by Mr Mayor of Albany with the Bill entituled, An Act for the further laying out, regulating and better clearing publick Highways throughout this Colony, acquainting this Board that they do agree to the four first Amendmts made by this Board to the said Bill and disagree to the said Last Amendments being read,

This Board having reconsidered the said two last Amendmts made by them to the said Bill,

Resolved, that this Board do adhere to the said two last Amendments made by this Board to ye sd Bill

Ordered, that the Gentlemen of this Board or any five of them be a Comittee to draw up

reasons for the Councills adhering to the said two last Amendments made by this Board to the said Bill and that Mr Mompesson be of the said Cōmee.

Coll Heathcote and Mr Phillipse took their places at the Board.

Coll Beekman took his place.

The Bill Entituled, An Act to oblidge the County of Ulster to Satisfye what that County is in arrear to Coll Jacob Rutsen and Adrian Garretse Esqrs, was read the Second time and Comitted to the Gentlemen of this Board or any five of them

A Message from the Assembly of the Sixth of July last by Coll Rutsen with the Bill entituled, An Act for the County of Ulster to pay the arrears due to their Representatives and for Dutchess County to Elect a Supervisor, a Trēar, Assessors and Collectors, that they Agree to the Amendments made by this Board to the said Bill.

His Excellency having Sent the Deputy Secretary to the Assembly to Command their Attendance in the Councill Chamber and they being Come, his Excellency gave his Assent to the following Bill enacting the Same and ordered it to be enrolled, vizt.

An Act for laying An Excise on all Strong liquors retailed in this Colony

And then his Excellency made the following Speech to them and afterwards went with the Assembly to publish the Said Act.

Gentlemen.

Your own Desire of a Short recess gave so abrupt a period to your last Session that Several Bills then prepared by you Cou'd not be so finished by the Councill as to receive my assent, but the Bill for appropriating the Excise towards the payment of the publick Debts being perfected I take this oppertunity, at your first meeting, to pass it; that you may have one to do Justice to the Countrey who have long suffered under the want of what was Justly due, So I most Earnestly recomend to you, the preparing a Bill or Bills for that purpose which cannot take up much of your time, the Commrs Nominated by your Selves for that purpose having digested and putt into an easy method all such Debts whereby you are enabled to Consider and Ascertain them.

At a Councill held at Fort Anne in New York, the 21st *day of October*, 1713.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,	Mr MOMPESSON,
Doctor STAATS,	Mr BARBERIE,
Coll HEATHCOTE,	Mr BYERLEY.

A Message from the Assembly that they disagree to the Amendments made by this Board to the Bill entituled, An Act for reviving that part of An Act entituled, An Act for prohibiting the Distilling of Rum & Burning of Oysters, Oystershells or Stone into Lyme within the Citty of New York or within halfe a mile distance of the Citty Hall of the Said Citty relating to the Burning of Oysters, Oystershells or Stone into Lyme: An Act entituled, An Act for the preservation of Deer and one Act entituled, An Act to prevent Damages by Swine in the County of West Chester, Queens County and the County of Richmond,

Resolved, that this Board do adhere to their Amendmts to the Said Bill.

Ordered, that the Gentlemen of this Board or any five of them be a Comittee to draw up reasons for their adhering to their Amendments.

Mr Byerley reported from the Committee to whom was Comitted the Bill entituled, An Act to oblidge the County of Ulster to Satisfy what that County is in Arrear to Col Jacob Rutsen and Adrian Garretse Esqrs, that they have gone through ye Same without Any Amendment.

Ordered, that the Said Bill be read the third time

Then the Said Bill was read the Third time and past without Amendment.

Ordered, that Mr Byerley do Acquaint the Assembly that this Board do agree to the Said Bill without Any Amendmt

The Reasons prepared by the Committee for the Councills insisting on the two last Amendments made by this Board to the Bill entituled, An Act for the further laying, regulating & better clearing publick Highways throughout this Colony were read and approved.

Ordered, that Coll Heathcote do acquaint the Assembly that this Board desires a Conferrence on the Subject matter of the Said Amendments at the House of Johannes Hardenbrook this Afternoon at 6 a Clock.

Ordered, that Coll Heathcote do acquaint ye Assembly that this Board desires a Conferrence on the subject mrē of the amendments made by them to the Bill entituled, An Act for mending and keeping in repair the Post road from New York to Kingsbridge, at the House of Johannes Hardenbrook this afternoon at six a Clock.

Ordered, that Coll Heathcote do acquaint the Assembly that this Board doe agree to the amendments made by the Assembly to the Bill Entituled, An Act to prevent selling & giving

of Rum and other strong liquors to the Indians, with some other amendments made by this Board to ye said amendments of Assembly, to which they desire the Concurrence of that House.

At a Councill held at Fort Anne in New York, the 22^d^ *day of October*, 1713, At three of the Clock in the Afternoon.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER, Doctor STAATS, Coll HEATHCOTE, Mr BARBERIE, Mr BYERLEY.

A Message from the Assembly by Coll Morris returning back to this Board the Bill Entituled, An Act for the further laying out, regulating and clearing publick Highways throughout this Colony and the Bill entituled, An Act for mending and keeping in repair the Post road from New York to Kings bridge, The several amendments made by this Board to the said Bill & desiring this Board to appoint a Comittee to meet a Comittee of that House to Conferr on the subject matter of the last Conferrence at the House of Mr Hardenbrook at three of the Clock this afternoon.

Ordered, that the Gentlemen of this Board or any five of them be a Comittee to meet a Comittee of the Assembly accordingly to Conferr on the subject matter of the said last Conferrence.

At a Councill held at Fort Anne in New York, the 23th *day of October*, 1713.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col D'PEYSTER, Doctor STAATS, Capt WALTER, Col HEATHCOTE, Mr MOMPESSON, Mr BARBERIE, Mr BYERLEY.

The Comittee appointed by this Board to meet a Committee of the Assembly yesterday on a Conferrence on the subject matter of the Two first amendments made by this Board to the Bill entituled, An Act for mending and keeping in repair the Post road from New York to Kings Bridge, acquainted this Board that they had mett the Comittee of the Assembly accordingly on the said Conferrence and the Committee of the Assembly disagreeing to the same amendments,

Resolved, that this Board do recede from their said amendments to the said Bill.

Ordered, that Col Heathcote do acquaint the Assembly that this Board do recede from the two first amendments made by this Board to the said Bill.

The Comittee appointed by this Board to meet a Cōmee of the Assembly yesterday on a Conferrence on the subject matter of the Two last amendments made by this Board to ye Bill entituled, An Act for the further laying out, regulating and clearing publick Highways throughout this Colony, acquainted this Board that they had mett the Comittee of the Assembly accordingly on the said Conferrence & the Comittee of ye Assembly agreeing to the amendments made by this Board in fol 8, but Disagreeing to the other amendments made by this Board.

Resolved, that this Board do recede from the Amendments made by this Board to the Said Bill in fol. 7.

Ordered, that Col Heathcote acquaint the Assembly that this Board do recede from the s^d^ Amendment made by this Board to the Said Bill.

Ordered, that the Deputy Secretary do acquaint the Assembly that his Excellency Commands them here Imediately

And the Assembly being Come His Excellency gave his assent to the following Bills Enacting the Same and

Ordered them to be Enrolled vizt.

An Act for Continuing An Act entituled, An Act for laying an Excise on all Strong liquors retail'd in this Colony.

An Act for the Treasurers paying Sundry Sūms of money to Several persons hereafter named.

An Act for the Treasurers paying the Sum of One hundred & twenty five ounces of Plate to Peter Vanbrough & Hendrick Hansen Esq^rs^ Comm^rs^ at Albany

An Act for laying a Duty on goods sold by Auction, Vendue or Outcry

An Act to Oblidge the County of Ulster to Satisfy what that County is in Arrear to Col Jacob Rutsen & Adrian Garrettse Esq^{rs}

An Act for mending and keeping in repair the Post road from New York to Kings Bridge.

An Act for the further laying out regulating & better clearing Publick Highways throughout this Colony

An Act for Dutchess County to Elect a Supervisor, a Treasurer, Assessors and Collectors.

And then his Excellency went with the Assembly to publish the Said Acts.

At a Councill held at Fort Anne in New York the 28th *day of October*, 1713.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll D'PEISTER,	Mr MOMPESSON,
Doctor STAATS,	Mr BARBERIE,
Captain WALTER,	Mr BYERLEY.

The report of the Comittee of the Councill to whom was referred the account of Hendrick Hansen for his Journey &c to Onnondago in September last was read and Confirmed.

Ordered, that the Secretary do Carry the Same to ye Assembly & recomend it to them to provide for the payment thereof.

The report of the Cōmee of the Councill to whom was Comitted the account of Hendrick Hansen for Sundrys delivered by him &c to Some Indians by order of the Comm^{rs} of the Indian Affairs was read and Confirmed.

Ordered, that the Secretary do carry the Same to the Assembly and recommend it to them to provide for the payment thereof.

At a Councill held at Fort Anne in New York, this 10th *day of October*, 1713.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col D'PEYSTER,	Mr BARBERIE,
Capt WALTER,	Mr BYERLEY.
Mr MOMPESSON,	

The Bill entituled, An Act to take away Doubts & Scruples relating to the letting of the Excise was read the first time and

Ordered to be read a Second time

Then the said Bill was read a Second time & Comitted to the Gentlemen of this Board or any five of them.

The Bill entituled, An Act to discharge Peter Vanbrug & Hendrick Hansen of the City of Albany in the Colony of New York and from all Debts, Dues and Demands whatsoever for and Concerning the provisions, Amunitions and other Stores of Warr formerly in their hands belonging to this Colony was read the first time and is

Ordered to lye upon the Table

His Excellency Acquainted this Board that this day the Assembly had addressed him to pass the Bill for the payment of the Arrears of Salary due to their officers and that his Excellency told them that the Trēar informed him he had no money in his hands. and that if he had it wou'd be unreasonable to do it before it be known what the Difficiency will be of the money for the Support of Government this year & whether the Treasurer will have Sufficient in his hands to Answer that Difficiency.

At a Councill held at ffort Anne in New York, the 31st *day of October*, 1713.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Col D'PEYSTER,	Mr BARBERIE,
Capt WALTER,	Mr PHILLIPSE,
Mr MOMPESSON,	Mr BYERLEY.

Mr Phillipse Chairman of the Comittee to whom was Comitted the Bill entituled, An Act to take away Doubts and Scruples relating to the Settling of the Excise, reported from the said Comittee that they have gone through the same without any Amendment.

Ordered, that the Bill be read the third time.

Then the said Bill was read the third time & past without Amendment.

Ordered, that Mr Phillipse do Acquaint the Assembly yt this Board do agree to the said Bill without any Amendment.

At a Councill held at Fort Anne in New York the 31st *day of October*, 1713.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Mr MOMPESSON,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

Ordered, that the Secretary Acquaint the Assembly that his Excellency Commands their attendance here imediately.

And the Assembly being Come his Excellency gave his Assent to the following Bill, enacting the same & Ordered it to be enrolled vizt.

An Act to take away Doubts and Scruples relating to ye letting of the Excise.

FIFTEENTH ASSEMBLY THIRD SESSIONS.

At a Councill held at Fort Anne in New York, the 24th *day of March*, 171¾.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Mr VAN DAM,
Mr MOMPESSON,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

His Excellency having sent the Secretary to the Assembly to require their attendance they came accordingly then his Excellcy made the following speech to them.

Gentlemen,

You are now mett in order to dispatch the affairs left unfinished at the Close of your last Session the principal of which is the payment of the publick Debts. There being a law already past appropriating a sufficient ffund for that purpose & these debts being by your Commissarys of Accots ascertain'd and methodiz'd, I cannot guess at the least Colourable pretence for deferring it and none but such who have a mind to declare themselves regardless of Justice and the Interest of their Countrey can obstruct or oppose it.

What besides may require your Consideration I shall impart to you from time to time, if need be, and shall leave nothing undone on my part that may keep up a perfect good understanding between us upon which in a great measure, the quiet & prosperity of the Country Depends.

RO HUNTER

At a Councill held at Fort Anne in New York, this 3d *day of Aprill*, 1714.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Mr VAN DAM,
Coll HEATHCOTE,
Mr BARBERIE,
Mr BYERLEY.

The Bill entituled, An Act to entitle Garret De Graewn & his assigns to the fishery of porpoises during the term of seaven years, being sent from the Assembly to this Board for their Concurrence, was read the first time &

Ordered, to be read a second time.

At a Councill held at Fort Anne in New York, the 7th *day of Aprill*, 1714.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER, Mr PHILLIPSE,
Doctor STAATS, Mr BYERLEY.
Mr BARBERIE,

The Bill entituled, An Act to Entitle Garrett De Graeun and his Assigns to the fishery of porpoises during the Term of Seven years, was read the Second time & Comitted to the Gentlemen of this Board or any five of them

At a Councill held at ffort Anne in New York, the 10th *day of Aprill*, 1714.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER, Mr BARBERIE,
Doctor STAATS, Mr BYERLEY.
Capt WALTER,

Mr Byerley reported from the Comittee to whom was Comitted the Bill entituled, An Act to Entitle Garrett De Granew and his Assigns to the fishery of porpoises during the term of seven years, that they have gone through the same with an Amendment which was read and agreed to by this Board.

Ordered, that the said Bill be read the third time with the Amendment.

Then the said Bill was read the third time with ye Amendmt & past.

Ordered, that Mr Byerley do Carry the Said Bill wth the Amendment to the Assembly and Acquaint them that this Board do agree to the same with an Amendment to which they desire the Concurrence of that House.

At a Councill held at Fort Anne in New York, the 29th *day of Aprill*, 1714.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col D'PEYSTER, Mr PHILLIPSE,
Doctor STAATS, Mr BYERLEY.
Col BEEKMAN,

The Bill entituled, An Act for Lycencing Hawkers & Pedlars within this province for four years, was read the first time and

Ordered to be read a Second time.

The Bill entituled, An Act to relieve Samuel Steele Commander of the Ship Benjamin and all others concerned in the said Ship and Cargo from the Duty of Seven & an half ℔ cent Imposed by An Act of Assembly made in the twelfth year of her Majesties reign, was read the first time and

Ordered to be read a Second time.

The Bill entituled, An Act for reviving An Act of General Assembly of this province Entituled, An Act to prevent Damage by Swine in the County of West Chester, Queens County & the County of Richmond, was read the first time and

Ordered to be read a Second time.

At a Councill held at ffort Anne in New York, this 12th *day of May*, 1714.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col DE PEYSTER, Mr VAN DAM,
Doctor STAATS, Mr BYERLEY.
Capt WALTER,

The Bill entituled, An Act for Collecting & paying to the County Treasurer the Arrears of Taxes in the County of Richmond for defraying the publick and Necessary Charge of the same County, was read the first time &

Ordered to be read a Second time.

The Bill entituled, An Act for reviving An Act of General Assembly of this province Entituled, An Act to prevent Damages by Swine in the County of West Chester, Queens County & the County of Richmond, was read the Second time & Committed to the Gentlemen of the Councill or any five of them.

The Bill entituled, An Act to relieve Samuel Steel the Command^r of the Ship Benjamin and all others Concerned in the Said Ship and Cargo from the Duty of Seven and an half ℔ C^t imposed by An Act of Assembly made in the 12th year of her Majesties reign, was read the Second time and Committed to the Gentlemen of the Councill or any five of them.

The Bill entituled, An Act for lycencing Hawkers & Pedlars within this province for 4 years, was read the Second time & Committed to the Gentlemen of the Councill or any five of them.

At a Councill held at Fort Anne in New York, this 13th *day of May*, 1714.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

M^r VAN DAM,
Col HEATHCOTE,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

The Bill entituled, An Act for Collecting and paying to the County Treasurer the Arrears of Taxes in the County of Richmond for defraying the publick and necessary Charge of the Same County, was read the Second time and Committed to the Gentlemen of the Councill or any five of them.

At a Councill held at Fort Anne in New York, the 18th *day of May*, 1714.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col SCHUYLER,
Col DE PEYSTER,
Doctor STAATS,
Captain WALTER,
Col BEEKMAN,
Col HEATHCOTE.

Mr Byerley reported from the Committee to whom was Committed the Bill entituled, An Act for collecting and paying to the County Treär the arrears of Taxes in the County of Richmond for Defraying the publick & Necessary charge of the Same, that they have gone through the Same without any Amendment.

Ordered, that the Bill be read the third time

Then the Said Bill being read the third time

Resolved, the Said Bill do pass without Amendment

Ordered, that Mr Byerley do acquaint the Assembly that this Board does Agree to the Said Bill without Any Amendment.

Mr Van Dam took his Place.

Capt Walter reported from the Committee to whom was Committed the Bill entituled, An Act to relieve Samuel Steel Commander of the Ship Benjamin and all others Concerned in the Said Ship & Cargo from the Duty of Seaven and an half ℔ Cent Imposed by Act of Assembly made in the twelfth year of her Majesties reign, that they have gone through the Same without any Amendment.

Ordered, that the Said Bill be read the third time.

Then the Said Bill being read the third time

Resolved, the Said Bill do pass without any Amendment.

Ordered, that Captain Walter do Acquaint the Assembly that this Board does agree to the Said Bill without any Amendment.

Col Heathcote reported from the Committee to whom was Comitted the Bill entituled, An Act for reviving An Act of General Assembly of this province entituled, An Act to prevent Damages by Swine in the County of West Chester, Queens County & the County of Richmond, that they have gone through the same without any Amendment.

Ordered, that the said Bill be read the third time.

Then the said Bill being read the third time.

Resolved, the Bill do pass without Amendment

Ordered, that Col Heathcote do Acquaint the Assembly that this Board does agree to the Bill without any Amendment.

Mr Mompesson took his place.

Mr Van Dam reported from the Committee to whom was Comitted the Bill entituled, An Act for lycencing Hawkers & Pedlars within this province for 4 years, that they have gone through the same wthout any Amendment.

Ordered, that the said Bill be read the third time.

Then the said Bill was read the third time

Resolved, that the said Bill do pass without amendment.

Ordered, that Mr Van Dam do aquaint the Assembly that this Board do agree to the said Bill without any Amendmt.

Mr Barberie took his place

Ordered, that the Secretary acquaint the Assembly that this Board does recomend to them to make some provision for the reliefe of the Inhabitants of the County of Ulster who have frequently been commanded from thence to Albany for the Defence of the frontiers without having had any Compensation for such their Service.

At a Councill held at Fort Anne in New York, this 3d day of June, 1714.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col D'PEYSTER,
Doctor STAATS,
Col BEEKMAN,
Mr VAN DAM,
Mr MOMPESSON,
Mr BARBERIE,
Mr BYERLEY.

The Bill entituled, An Act for levying and paying the several Dutys therein mentioned for the use of this Colony, was read the first time and

Ordered to be read a Second time.

The said Bill was read a Second time & Committed to the Gentlemen of this Board or any five of them

At a Councill held at Fort Anne in New York, this 8th of June, 1714.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Mr VAN DAM,
Col HEATHCOTE,
Mr MOMPESSON,
Mr BARBERIE,
Mr BYERLEY.

Col Heathcote for Mr Phillipse reported from the Committee to whom was Committed the Bill entituled, An Act for levying & paying the Several Duties therein mencōned for the use of this Colony, that they have gone through the same without any Amendment.

Ordered, that the said Bill be read the third time.

Then the said Bill was read the third time and past.

Mr Byerley gave in a Protest against the passing of the said Bill before it was read the third time

Which Protest is ordered to be entred and follows in *hæc verba*:—

CLAUSE in the Bill entituled, An Act for levying & paying the several Duties therein mencōned for the use of this Colony.

And be it further enacted by the authority aforesaid, that if any Officer belonging to her Majesties Custom House in this Colony shall clear any ship or vessel lyable to pay the said Duty untill it shall appear unto the said Officer that such ship or vessel have entred with the Officer appointed to Collect the Duty and paid the same as aforesaid, He or they shall pay double the Tonnage of what such ship or vessell ought to have paid to be recovered and applyed in manner as aforesaid.

IN ANSWER to the foregoing Clause I apprehend that the Officers of her Majesties Customs are distinct from those that are appointed by Act of Assembly and receive their Salarys out of money ariseing from thence, Consequently are not lyable to suffer any penalty for an Omission that may be Comitted in Collecting the Duty that may arise by the said Act; Those persons that are imployed and recieve their reward from them are the proper Persons to do it; and as for my self in particular I have the Honour to be her Majesties Collector & Receiver General of the province, Which I enjoy by vertue of her Majesties letters patents under the Broad

Seal of Great Britain and a Deputation from the Honourable the Comm^rs of her Majesties Customs; Nor can I Conceive that the Duties raised by Act of Assembly are any ways coherent with the other; The Assembly having made officers of their own, whose proper business it is, who may have Constant Recourse to the Custom House Books and sitt at the Custom House if they please during Office hours. It would be an undervaluing to the Commission I bear, to submitt my self either to the penalty or Imployment (and being a member of this Board I hope it won't be imposed upon me) especially when I consider that when Mr Davis officiated in my absence, he was prosecuted for an Ommission of the same nature & forced to pay Damages which I hope will be of such weight with this Honourable Board that I may be excused from undertaking any thing of this Nature; being with all due regard

Your Excellencys & these Honble Gentlemen

Most humble servant

T: Byerley.

Ordered, that Col Heathcote acquaint the Assembly that this Board does agree to the said Bill without any amendment.

At a Councill held at Fort Anne in New York, the 12th *day of June*, 1714.

Present — *His Excellency* Robert Hunter, Esqr, &c.,

Col D'Peyster,
Doctor Staats,
Mr Barberie,
Mr Phillipse,
Mr Byerley.

A Message from the Assembly dated the first of June Instant by Col Rutsen and Capt Lewis to put this Board in mind of the Bills that were passed by that House and sent up to this Board at the Beginning of this Sessions and to desire that that House may be acquainted what progress this Board have made therein, being read

Ordered, that the Clerk of the Councill lay before this Board at the next Councill a List of what Acts have been sent up by the Assembly to this Board since the beginning of this Sessions and what proceedings have been made thereupon by this Board.

At a Councill held at Fort Anne in New York, this 17th *day of June*, 1714.

Present — *His Excellency* Robert Hunter, Esqr &c.,

Col D'Peyster,
Doctor Staats,
Capt Walter,
Col Beekman,
Mr Van Dam,
Col Heathcote,
Mr Mompesson,
Mr Barberie,
Mr Phillipse,
Mr Byerley.

A Message from the Assembly by Capt Lewis that that House desires this Board to appoint a Committee to meet a Committee of their House to Conferr and agree upon the Settling, regulating and ascertaining the Several ffees & rewards to be taken by the Officers or other persons within this Government.

Ordered, that the Gentlemen of this Board or any five of them, whereof the Chief Justice or Mr Phillipse to be one, be a Committee for that purpose & that the Cõmee begin to Sitt on Monday Next at five a Clock in the Afternoon at the Boot and to Adjourn themselves from day to day till the Business Committed to them be finished.

Ordered, that the Secretary Acquaint the Assembly therewith.

Ordered, that the Secretary lay before the Assembly a List of the Several Bills Sent up to this Board by that House Since the beginning of this present Session & what proceedings have been made thereupon by this Board.

At a Councill held at Fort Anne in New York, this 20th *day of June*, 1714.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Doctor STAATS, Mr MOMPESSON,
Capt WALTER, Mr BYERLEY.
Col HEATHCOTE,

The Bill entituled, An Act for preventing the Multiplicity of Law Suits, was read the first time &

Ordered to be read a Second time.

The Bill entituled, An Act for Shortning Law Suits and Regulating the Practice of the Law was read the first time &

Ordered to be read a Second time.

The Bill entituled, An Act for regulating of White Servants was read the first time and

Ordered to be read a Second time.

His Excellency having Sent to require the Attendance of the Assembly they Came Accordingly and His Excellency Assented to the following Bills:

An Act for levying and paying Several Duties therein mencōned for the use of this Colony.

An Act for licencing Hawkers and Pedlars within this province for four years.

An Act for Collecting and paying to the County Treasurer the arrears of Taxes in the County of Richmond for Defraying the publick and necessary Charge of the Same County.

An Act to releive Samuel Steel Commander of the Ship Benjamin and all others Concerned in the Said Ship & Cargo from the Duty of Seven & an half ℔ Ct imposed by An Act of Assembly made in the 12th year of her Majestys reign.

An Act for reviving An Act of General Assembly of this Province entituled, An Act to prevent Damages by Swine in the County of West Chester, Queens County & the County of Richmond.

At a Councill held at Fort Anne in New York, the 23d *day of June*, 1714.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Capt WALTER, Mr BARBERIE,
Mr VAN DAM, Mr BYERLEY.
Col HEATHCOTE,

His Excellency communicated to this Board a Message which he desires may be sent to the Assembly as followeth.

Gentlemen,

I was unwilling to give any Interruption to your proceedings in the matter of the Publick Debts, but now that you have with much Trouble and Care brought that affair near to a happy period, I must put you in mind that the fonds for support of Government are just expiring & desire you to enter upon measures for its future support. The Receiver General shall lay the accounts in which he is concerned before you when you are ready to receive or please to desire the same.

RO HUNTER.

To the Honble the House of
Representatives Conven'd in
General Assembly.

Ordered, that the Secretary carry the said Message to the Assembly.

Col D'Peyster took his Place.

The Bill entituled, An Act for regulating of White Servants, was read a second time and committed to the Gentlemen of this Board or any five of them.

Doctor Staats took his place at the Board.

The Bill Entituled, An Act for Shortning of Law suits & regulating the practice of the Law was read the second time & committed to ye Gentlemen of this Board or any five of them.

The Bill entituled, An Act for preventing the multiplicity of Law Suits was read the second time & committed to the Gentlemen of this Board or any five of them.

At a Councill held at Fort Anne in New York, the 1st *day of July*, 1714.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col D'PEYSTER,
Doctor STAATS,
Col BEEKMAN,
Col HEATHCOTE,
Mr MOMPESSON,
Mr BARBERIE,
Mr BYERLEY.

The Bill entituled, An Act for preventing mallitious Prosecutions by Information, was read the first time and

Ordered to be read a second time.

At a Councill held at Fort Anne in New York, the 5th *day of July*, 1714.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Doctor STAATS,
Capt WALTER,
Mr MOMPESSON,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

The Bill entituled, An Act for preventing malitious Prosecutions by Information was read the second time & Comitted to the Gentlemen of this Board or any five of them.

A Message from the Assembly that they have passed a Bill entituled, An Act for a Supply to be granted to her Majesty for supporting the Government for the year ensuing.

Which Bill was read the first time &

Ordered to be read a second time.

The Bill entituled, An Act for a Supply to be granted to her Majesty for supporting the Government for the ensuing year was read the second time & committed to the Gentlemen of this Board or any five of them.

At a Councill held at Fort Anne in New York the 5th *day of July*, 1714.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

The Gentlemen of the Councill as before.

Mr Phillipse Chairman of the Committee to whom was referred the Bill entituled, An Act for a Supply to be granted to her Majesty for Supporting the Government for the ensuing year reported from the said Committee that they have gone through the same without any amendment.

Ordered, the said Bill be read the third time.

Then the said Bill was read the third time and agreed to without any Amendment.

Ordered, that Mr Phillipse do acquaint the Assembly that this Board do agree to the said Bill without any Amendment.

At a Councill held at Fort Anne in New York, the 6th *day of July*, 1714.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Mr VAN DAM,
Mr MOMPESSON,
Mr BARBERIE.

His Excellency sent the Secretary to Command the Attendance of the Assembly here Immediately & they being Come His Excellency gave the Assent to the following Bill inacting the same & ordered it to be enrolled vizt.

An Act for a Supply to be granted to her Majesty for Supporting the Government for the ensuing year.

At a Councill held at Fort Anne, in New York the 7th *day of July*, 1714.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

His Excellency sent by the Secretary a Message to the Assembly recommending to them to make provision for his Excellency's Journey to Albany to meet the five Nations & for presents for them in order to take the Hatchet out of their hands & to keep them steady to this Government.

At a Councill held at Fort Anne in New York, the 10th *day of July*, 1714.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Doctor STAATS,
Mr VAN DAM,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

Mr Van Dam reported from the Committee to whom was Committed the Bill entituled, An Act for preventing the multiplicity of Law Suits that they have gone through the same & made some amendments thereto, which were read & agreed to by the Board.

Ordered, that the said Bill be read a third time wth the Amendments.

Then the said Bill was read the third time with the Amendmts

Resolved, that the Bill with the Amendments do pass.

Ordered, that Mr Van Dam do Carry the said Bill to the Assembly and Acquaint them that this Board does agree to the said Bill with some Amendments to which they desire the concurrence of that House.

Col D'Peyster took his Place.

Mr Van Dam reported from the Committee to whom was Committed the Bill entituled, An Act for shortning of Law Suits & regulating the Practice of the Law that they have gone through the Same without Any Amendment.

Ordered, that the Said Bill be read the third time.

Then the Said Bill being read the third time

Resolved, the Sd Bill do pass.

Ordered, that Mr Van Dam do Acquaint the Assembly that this Board do Agree to Said Bill without any Amendment.

A Message from the Assembly that that House do agree to the Amendments made by this Board to the Bill Entitled, An Act to Entitle Garret de Graw & his assigns to the ffishery of porpoises during the term of Seven years.

The Bill entituled, An Act for preventing Mallitious prosecutions by Information is recommitted.

The Bill Entituled, An Act for regulating of White Servants is recōmitted.

At a Councill held at Fort Anne in New York, the 13th *July*, 1714.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Doctor STAATS,
Capt WALTER,
Mr VAN DAM,
Mr BARBERIE,
Mr BYERLEY.

Mr Van Dam reported from the Committee that they have gone through the Bill entituled, An Act to prevent malitious prosecutious by Information, and made Some amendments thereto wch were agreed to by the Board.

Ordered, that the Bill be read the third time wth the Amendments.

Then the Said Bill being read the third time with the Amendmts

Resolved, that the Bill with the Amendments do pass.

Ordered, that Mr Van Dam do Carry the Said Bill to the Assembly & acquaint them that this Board does agree to the Same with Some Amendments to which they desire the Concurrence of that House.

Mr Van Dam reported from the Committee that they have gone through the Bill entituled, An Act for regulating of White Servants & made Some Amendments thereto which were agreed to by the Board.

Ordered, that the Bill be read the third time with the Amendmts.

Then the Said Bill being read the third time with the Amendments

Resolved, the Bill with the Amendments do pass.

Ordered, that Mr Van Dam do Carry the Said Bill to the Assembly and Acquaint them that this Board does agree to the Same wth Some Amendments to which they desire the Concurrence of that House.

Col D'Peyster took his place.

The Bill entituled, An Act for encouraging the Indian Trade at Albany was read the first time &

Ordered to be read a Second time

His Excellency communicated to this Board a Letter from the Comrs of the Indian Affairs of the first of July & the proposicōns of the five Nations the 26th of June last.

Ordered, that Mr Van Dam do lay them before the Assembly & Acquaint them that His Excellency hopes they have his last Message on this Head under Consideration & to quicken their resolves has ordered these papers to be laid before them.

At a Councill held at Fort Anne in New York, the 15th *day of July*, 1714.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col DEPEYSTER,
Doctor STAATS,
Capt WALTER,
Col BEEKMAN,
Mr VAN DAM,
Col HEATHCOTE,
Mr MOMPESSON.

The Bill entituled, An Act for encouraging the Indian Trade at Albany was read the second time and committed to the Gentlemen of this Board or any five of them.

At a Councill held at Fort Anne in New York, the 16th *day of July*, 1714.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Col HEATHCOTE,
Mr BYERLEY.

Doctor Staats reported from the Committee to whom was Committed the Bill entituled, An Act for encouraging the Indian Trade at Albany that they have gone through the same wthout any amendment.

Ordered, that the Bill be read the third time.

Then the Bill was read the third time & past without any amendment.

Ordered, that Doctor Staats do acquaint the Assembly that this Board does agree to the said Bill without any amendmt

His Excellency communicated to this Board a Lrē from the Commrs of the Indian Affairs of the 12th Instant signifying that the young Indians of the Mohocks are going out a fighting but where is not yet known & that the Minisinck & Esopus Indians have sent to beg the assistance of the five Nations.

Ordered, that Doctor Staats lay the said Letter before the Assembly and acquaint them that his Excellency having just now received it, once more recomends to their consideration the present scituation of affairs on the ffrontiers and among the Indians which he hopes this Letter will convince them of.

At a Councill held at Fort Anne in New York, the 22th day of July, 1714.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Col BEEKMAN,
Mr VAN DAM,
Col HEATHCOTE,
Mr MOMPESSON,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

The Bill entituled, An Act for the paying and discharging the several Debts & sums of money claimed as Debts of this Colony to the several persons therein named & to make & enforce the Currency of Bills of Creditt to the value of twenty Six thousand Nine hundred and fifty pounds for that purpose, also to make void all claims & Demands made or pretended to be due from this Colony before the first day of June one thousand seven hundred and fourteen, & to prevent this Colony from being in Debt for the future, was read the first time &

Ordered, to be read a second time.

The Bill entituled, An Act for Continuing An Act of Assembly entituled, An Act for laying a Duty on goods sold by Auction, Vendue or Outcry was read the first time &

Ordered, to be read a second time.

At a Councill held at Fort Anne in New York the 23d day of July, 1714.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Col HEATHCOTE,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

The Bill entituled, An Act for paying and discharging the Several Debts & Sums of money claimed as Debts of this Colony to the Several persons therein named & make & enforce the Currency of Bills of Creditt to the value of twenty six thousand Nine hundred & fifty pounds for that purpose, Also to make void all claims & Demands made or pretended to be due from this Colony before the first day of June one thousand seven hundred & fourteen & to prevent this Colony from being in Debt for the future, was read the Second time & Committed to the Gentlemen of this Board or any five of them who have power to adjourn themselves from time to time & to send for persons, papers & records.

The Bill entituled, [An Act for] for regulating fences for the Several Cityes & Countys within this Colony was read the first time &

Ordered to be read a Second time.

The Bill entituled, An Act for Continuing An Act of Assembly entituled, An Act for laying a Duty on goods sold by Auction, Vendue or Outcry, was read the Second time & Committed to the Gentlemen of this Board or any five of them.

At a Councill held at Fort Anne in New York, this 27th day of July, 1714.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col DePEYSTER,
Doctor STAATS,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

The Bill entituled, An Act for the Trēars paying to his Excellency a sum of money for presents to the five Nations of Indians & for his expences in going to Albany to Treat with them, was read the first time &

Ordered to be read a Second time.

Capt Walter took his place.

The Bill entituled, An Act for regulating ffences for the Several Cities & Counties within this Colony was read the Second time & Committed to the Gentlemen of this Board or any five of them.

The Bill entituled, An Act for the Trēars paying to his Excellency a sum of money for presents to the five Nations of Indians & for his Excellcy's expence in going to Albany to treat with them, was read the Second time & Committed to the Gentlemen of this Board or any five of them.

At a Councill held at Fort Anne the 29th *day of July*, 1714.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Doctor STAATS,
Capt WALTER,
Col BEEKMAN,
Mr BARBERIE,
Mr BYERLEY.

Mr Byerley reported from the Committee to whom was Committed the Bill entituled, An Act for Continuing An Act of Assembly Entituled, An Act for laying a Duty on goods sold by Auction, Vendue or Outcry, that they have gone through the same & made an Amendmt thereto, which was read and agreed to by the board.

Ordered, that the Said Bill be read the third time with the Amendment.

Then the Said Bill was read the third time & past with the Amendment.

Ordered, that Mr Byerley do Carry the Said Bill to the Assembly and Acquaint them that this Board does Agree to the same with an Amendment to which they desire the Concurrence of that House.

Mr Byerley for Mr Van Dam reported from the Committee to whom was Committed the Bill entituled, An Act for the Treasurers paying to his Excellency a Sum of money for presents to the five Nations of Indians & for his Excellency's expence in going to Albany to treat with them, that they have gone through the Same without Any Amendment.

Ordered, that the Bill be read the third time

Then the Said Bill was read the third time & past

Ordered, that Mr Byerley do acquaint the Assembly that this Board does agree to the Said Bill without any Amendment.

Coll D'Peyster took his Place.

Mr Byerley reported from the Committee to whom was Committed the Bill entituled, An Act for regulating ffences for the several Cities & Counties within this Colony, that they have gone through the Same without any Amendment.

Ordered, that the Said Bill be read the third time.

Then the Said Bill was read the third time & past without Amendment.

Ordered, that Mr Byerley do acquaint the Assembly that this Board does agree to the said Bill without any Amendment.

At a Councill held at Fort Anne in New York, the 6th *day of August*, 1714.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Mr VAN DAM,
Mr MOMPESSON,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

The Assembly attending his Excellency pursuant to his Message he gave his Assent to the following Bill.

An Act for the Treasurers paying to his Excellency a Sum of money for presents to the five Nations of Indians & for his Expence in going to Albany to treat with them

At a Councill held at Fort Anne in New York, the 26th *day of August*, 1714.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col D'PEYSTER,
Doctor STAATS,
Captain WALTER,
Col BEEKMAN,
Col RENSELAER,
Mr VAN DAM,
Mr BARBERIE,
Mr BYERLEY.

A Message from the Assembly that they have past a Bill Entituled, An Act for appointing Commrs to lett to ffarm the Excise throughout this Colony.

Which Bill was read a first time and

Ordered to be read a Second time.

At a Councill held at Fort Anne in New York the 31st *day of August*, 1714.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Mr MOMPESSON,
Mr BYERLEY.

The Bill Entituled, An Act for Appointing Commrs to lett to ffarm the Excise throughout this Colony, was read the Second time and Committed to the Gentlemen of this Board or any five of them.

A Message from the Assembly by Mr Herring that he return to this Board the Bill Entituled, An Act for preventing the multiplicity of Law Suits and Acquaint them that that House do agree to the Amendments made by this Board to the said Bill.

At a Councill held at Fort Anne in New York the 2d *day of September*, 1714.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Coll BEEKMAN,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

Adolph Phillipse Chairman of the Committee to whom the Bill entituled, An Act for the paying and dischargeing the several debts and sums of money claim'd as Debts of this Colony to the several persons therein named, and to make and enforce the Currency of Bills of Creditt to the value of twenty six thousand Nine hundred and fifty pounds for that purpose, also to make void all claims and Demands made or pretended to be due from this Colony before the first day of June one thousand Seven hundred and fourteen, and to prevent this Colony from being in debt for the future, was Committed, Reported that they have gone through the said Bill and made several Amendments thereto, which he read in his place and afterwards delivered in at the board where the same were read and agreed to by this Board.

Ordered, that the said Bill with the Amendments be read the third time.

Then the said Bill with the Amendments was read the third time and past with the said Amendments

Ordered, that Mr Phillipse do carry the said Bill to the Assembly and acquaint them that this Board does agree to ye same with some Amendments to which they desire the Concurrence of that House.

Adolph Phillipse Esqr for Rip Van Dam Esqr Chairman of the Committee to whom the Bill entituled, An Act for Appointing Commrs to lett to ffarm the Excise throughout this Colony was Committed, reported that they have gone through the said Bill and made an Amendmt thereto, which he read in his place and afterwards delivered in at the Board where the same was read and agreed to by this Board.

Ordered, that the said Bill with the Amendments be read the third time.

Then the said Bill with the Amendment was read the third time and past with the said Amendment.

Ordered, that Mr Van Dam do carry the said Bill to the Assembly and acquaint them that this Board does agree to the same with an amendmt to which they desire the Concurrence of that House.

At a Councill held at Fort Anne in New York, the 3d *day of September*, 1714.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Mr BARBERIE,
Mr BYERLEY.

A Message from the Assembly by Mr D'Lancey with the Bill entituled, An Act for the paying and discharging the several Debts & sums of money claim'd as Debts of this Colony &c, to acquaint this Board that that House do agree to the amendments made by this Board to the said Bill.

Ordered, that the said amendments be engrossed in the said Bill.

A Message from the Assembly by Mr Lakerman with the Bill entituled, An Act for appointing Commrs to Lett to ffarm the Excise throughout this Colony and to acquaint this Board that that House do agree to the amendment made by this Board to the said Bill.

Ordered, that the said amendment be Engrossed in the said Bill.

At a Council held at Fort Anne in New York, the 4th day of September, 1714.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Mr VAN DAM,
Mr MOMPESSON,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

His Excellency having sent the Deputy Secretary to command the attendance of the Assembly and they being come his Excellency gave his Assent to the ffollowing Bills Enacting the same and ordered them to be Enrolled vizt.

An Act for the paying and discharging severall Debts and sums of money claimd as Debts of this Colony to the several persons therein named and to make and enforce the Currency of Bills of Creditt to the value of Twenty seven Thousand six hundred and Eighty pounds for that purpose; also to make void all claims and Demands made or pretended to be due from this Colony before the first day of June one thousand seven hundred and fourteen and to prevent this Colony from being in debt for the future

An Act for preventing the multiplicity of Lawsuits & regulating the Practice of the Law.

An Act for Encourageing the Indian Trade at Albany.

An Act for regulating ffences for the several Cities & Counties wthin this Colony

An Act for appointing Commrs to lett to ffarm the Excise throughout this Colony

An Act to Entitle Garret D'Greaw and his assigns to the fishery of Porpoises during the term of seven years

An Act for the Treasurers paying the moneys therein mentioned.

An Act for the Treasurers paying the arrears due to the Clerk and Doorkeepers of the General Assembly of this Colony and paying the printers salary.

An Act for shortning of Law suits & regulating ye practice of the Law.

At a Council held at Fort Anne in New York, the 4th day of September, 1714,
In the afternoon.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Mr MOMPESSON,
Mr BYERLEY.

An Address to her Majesty by the Council & Assembly to congratulate her Majesty on the peace and to recommend the two Acts for payment of the Debts of the Government to her Majesties approbation, was agreed to and Signed by the Council and sent to the Assembly for their Concurrence

At a Council held at Fort Anne in New York, the 9th day of September, 1714.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col D'PEYSTER,
Doctor STAATS,
Capt WALTER,
Col BEEKMAN,
Mr VAN DAM,
Mr MOMPESSON,
Mr BARBERIE.

A Message from the Assembly that they have past a Bill entituled, An Act for Explaining An Act Entituled, An Act for levying and paying the several Duties therein mention'd for the use of this Colony.

Which Bill was read the first time and
Ordered to be read a Second time.
A Message from the Assembly that they have past a Bill Entituled, An Act for preserving of Oysters.
Which Bill was read the first time and
Ordered to be read a Second time.

[In Executive Session.]

3d *day of November*, 1714.

Ordered, that Writts Issue for the Electing Members for a New Assembly Returnable in fforty days and bearing Test this day and that the Writt to Issue to Dutchess County & Orange County be for two members each.

14th *day of December*, 1714.

His Excellency told this Board that in regard of the season of the year & that there is no urgent necessity for the Assembly's meeting at this time he thinks it proper to adjourn them for about six weeks
His Excellency likewise informed that there being a mistake in ye direction of a Writt for the Election of a Member for the Burrough of West Chester it being directed to the Sheriff of the County instead of the Bayliff of the Burrough whereby no Election is made for that Burrough. It is
Ordered, that another Writt be made out for the Electing of a member for that Burrough directed as has been Customary to bear teste this day & be returnable the twenty fifth of January next
His Excellency signed a Proclamation for adjourning the Assembly to the twenty fifth January next.

13th *day of January*, 17$\frac{14}{15}$.

Ordered, that a Proclamation be prepared for further adjourning the Assembly to the first day of March next

28th *day of February*, 17$\frac{14}{15}$.

Ordered, a Proclamation to Issue for further adjourning the Assembly to the 15th of March next

SIXTEENTH ASSEMBLY FIRST SESSIONS.

At a Council held at Fort George in New York, the 3rd day of May, 1715.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll DEPEYSTER, Mr VAN DAM,
Doctor STAATS, Mr BARBERIE.
Capt WALTER,

His Excellency sent Mr Deputy Secretary to ye Assembly to Command their Attendance in the Council Chamber Immediatly; whereupon those that were in Town came and took the Oaths appointed to be taken instead of the Oaths of Allegiance & Supremacy & took and subscribed the Test and abjuration Oath appointed by Act of parliament to be taken, Intituled, An Act for the further Limitation of the Crown & better securing the rights and liberties of the Subjects &c, And then his Excellency recommended to them to return & choose a Speaker to be presented to him.

Then they Returned & presented Wm Nicoll Esqr their Speaker, whom his Excellency approved of.

Then his Excellency made the following speech to them.

Gentlemen,

I have waited with some Impatience for this meeting where the Country might have an Oppertunity of making an humble tender of their Duty to his Majesty and express in words the Joy of their hearts for his happy and peaceable accession to the Crown by you their Representatives.

It would be a crime to entertain the least suspicion that a people who share in this general but unspeakable blessing of having all that is Dear Religious or Civil firmly secured to them at a time when both, by the Acts of ill men were brought into the utmost Danger should upon this occasion be wanting in the least respect to their own true Interests in grateful returns to Almighty providence or Duty to their great Deliverer.

I think it necessary to acquaint you that His Majesty has been graciously pleased to order my Commissions for the Goverment of these provinces to be renewed notwithstanding the malitious & unjust accusations of some men altogether strangers to me and my conduct. The softest terms that they have given to my administration is Arbitrary, illegal, grevious, oppressive, unjust & destructive. Were there any Colour I pronounce my self not only unfitt to Govern but unworthy to live and tho' God & my Conscience Acquit me of that foul charge yet could I be perswaded that any part of it could gain Credit in the minds of men I would make it my most humble request to his Majesty to remove me Thorowly Convinced that the best guarded Conduct and most Innocent life are not proof against the malice of Selfish and designing men and something I have preserved which I value more then life & so would not willingly loose it.

I am further to acquaint you that the Earl of Clarendon has thought fitt to enter a Caveat against passing the Act for payment of the publick Debts here. What his reasons are or what Effect they may have I know not; I shall only say that in my opinion he of all men ought to have been silent in this Case, but I cannot think that we can be so without Breach of the trust reposed in us and involving ourselves in the guilt of the sufferings of so many hundred of persons and familyes whose very beings depends upon the passing of that Act; so I hope you will in conjunction wth the Councill find out some speedy and Effectual expedient for removing that obstacle or any other that may be offered of the like Nature and I cannot but think it absolutely necessary that some person or persons sufficiently quallifyed and amply instructed by the whole Legislature be immediatly sent to Court for that purpose.

You are not Ignorant that the Dutys imposed for ye support of the Goverment for this last year are upon the point of Expiring but perhaps you do not know that these Dutys fall much short of the sum assign'd for that use by the late General Assembly, the Receiver Generals accounts of Receipts and Issues will make that plain to you and indeed the sum it self is so scanty that not only officers are Crampt in their salarys but many necessary publick services postpon'd or neglected for want of Fonds to answer the Charges. I firmly perswade myself that you are now met with good and firm Inclinations & Resolution to Remedy that Inconveniency amongst others so prejudicial to your own safety as well as the Dignity of his Majestys Goverment.

As for my own part I declare that they abuse you who go about to perswade you.

After which the Speaker desired His Excellency that they may Enjoy their usual priveledges which His Excellency Granted.

At a Council held at Fort George in New York, the 9th day of May, 1715.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Doctor STAATS, Mr BARBERIE,
Capt WALTER, Mr BYERLEY.
Mr VAN DAM,

His Excellency communicated to this Board the Lord Clarendons Memorial to the Lords of Trade against the passing the Bill for payment of the publick Debts.

Ordered, that a Copy of that part of the said Memorial relating to the said Bill be delivered to the Assembly. And

Ordered, that ye Gentlemen of this Board or any five of them be a Committee to meet a Committee of the Assembly to consider of the said Memorial and of what may be proper to be done by them thereon.

Ordered, that Doctor Staats do desire the Assembly to appoint a Committee of their House to meet a Committee of this Board to morrow at four a Clock in the Afternoon at the house of Mr Cock to consider of the said Memorial &c.

At a Council held at Fort George in New York, the 17th day of May, 1715.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col D'PEYSTER, Mr BARBERIE,
Doctor STAATS, Mr BYERLEY.
Capt WALTER,

The Bill Entituled. An Act for the better explaining One Act of General Assembly passed in the year of our Lord One thousand Seven hundred & fourteen Entituled, An Act for paying and discharging the Several Debts and Sums of money claimed as Debts of this Colony to the Several ℙsons therein named and to make and enforce the Currency of Bills of Credit to the value of twenty seven thousand six hundred & Eighty pounds for that purpose &c, was read the first time &

Ordered to be read a Second time.

Then the Said Bill was read a Second time & Committed to ye Gentlemen of this Board or any five of them.

The Bill entituled, An Act for preserving of Oysters was read the first time &

Ordered to be read a Second time.

Then the Said Bill was read the Second time & Committed to ye Gentlemen of this Board or any five of them.

At a Council held at Fort George in New York, ye 18th day of May, 1715.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col DEPEYSTER, Mr VAN DAM,
Doctor STAATS, Mr BYERLEY.
Capt WALTER,

Capt Walter reported from the Committee to whom was committed the Bill entituled, An Act for the better explaining One Act of General Assembly pass'd in the year of our Lord one thousand Seven hundred & fourteen entituled, An Act for paying and discharging the Several Debts and Sums of money claimed as Debts of this Colony to the several ℙsons therein Named and to make and enforce the Currency of Bills of Creditt to the value of twenty seven Thousand six hundred & Eighty pounds for that purpose, also to make void all claims and Demands made or pretended to be due from this Colony before the first day of June One Thousand Seven hundred and fourteen, and to prevent this Colony from being in debt for the future, That they have gone through the Same without Any Amendment.

Then the Said Bill was read a third time and past.

Ordered, that Captain Walter do Acquaint the Assembly that this Board do agree to the Said Bill without Any Amendment.

Captain Walter reported from the Committee to whom was Committed the Bill entituled, An Act for preserving of Oysters, that they have gone through the Same without Any Amendment.

Then the Said Bill was read a third time & past.

Ordered, that Capt Walter do Acquaint the Assembly that this Board do agree to the Said Bill without Any Amendment.

At a Council held at Fort George in New York, ye 18th day of May, 1715, At 4 in ye Afternoon.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll DE PEYSTER,
Dr STAATS,
Capt WALTER,
Mr BARBERIE,
Mr BIERLEY.

Ordered, that the Gent of ye Council or any ffive of them be a Committee to prepare and bring in a Bill for ye settling the Militia of this province.

A Message from ye Assembly wth an Address from that House to his Majestie praying his Excelleney to Transmit it.

At a Council held at Fort George in New York, the 19th May, 1715.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll DEPEYSTER,
Dr STAATS,
Capt WALTER,
Coll BEEKMAN,
Mr VAN DAM,
Mr BARBERIE,
Mr BIERLEY.

His Excellency having sent for the Assembly he Gave his assent to the following Bills

An Act for the better Explaining one Act of General Assembly pass'd in the year of our Lord 1714, Entitled, An Act for paying and discharging the several Debts and sums of money claimed as Debts of this Colony to the several ℙsons therein named and to make and Enforce ye Currency of Bills of Credit to ye value of Twenty Seven Thousand Six hundred and Eighty pounds for that purpose—Also to make void all Claim and Demands made or prtended to be due from this Colony before the first Day of June One Thousand seven hundred and Fourteen and to prevent this Colony from being in Debt for the future. And

An Act for preserving of Oysters.

At a Council held at Fort George in New York, 3rd (sic) *May*, 1715.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll DEPEYSTER,
Doctor STAATS,
Capt WALTER,
Mr VAN DAM,
Mr BARBERIE,
Mr PHILIPSE,
Mr BIERLEY.

The Bill Entituled, An Act for appointing An Agent for this Colony at the Court of Great Britain & for raising a sum of money anually to Defray the Charge thereof, was read the first time and

Ordered to be read a second time Instantly

Then the said Bill was read a Second Time and Committed to ye Gentlemen of this Board or any ffive of them

At a Council held at Fort George in New York, ye 31st May, 1715.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll DEPEYSTER, Mr VAN DAM,
Doctor STAATS, Mr BARBERIE.
Capt WALTER,

Mr Barberie for Mr Byerley Reported from the Committee to whom was Committed ye Bill Entitled, An Act for appointing an Agent for this Colony at the Court of Great Britain and for raising a sum of money anually to defray the Charge thereof, That they have gone through the same and made some amendm^ts thereto which were read and agreed to by the Board

Ordered, that the Bill be read the Third Time.

That the said Bill was read ye Third Time and pass'd with the amendments.

Ordered, that Mr Barberie do carry the said Bill to the Assembly and acquaint them that this Board do agree to the said Bill wth some Amendments to wch they Desire the Concurrence of that house.

The Bill Entituled, An Act Declaring John Sloss free from the Duty of Tonnage, was read ye first time and

Ordered, to be read a Second Time

At a Council held at Fort George in New York, the Second day of June, 1715.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll DEPEYSTER, Mr VAN DAM,
Doctor STAATS, Mr BARBERIE,
Capt WALTER, Mr BIERLEY.
Coll BEEKMAN,

The Bill Entituled, An Act for Building a County house and prison in Dutchess County within this Colony was read the first time and

Ordered to be read a Second time.

The Bill Entituled, An Act for Encouraging Navigation was Read the first Time and

Ordered to be read a Second Time

The Bill Entituled, An Act for Enabling the Major and Aldermen of ye City of New York to hold plea of Foreign Attachment, was Read the first time and

Ordered to be read a Second Time.

The Bill Entituled, An Act Declaring John Sloss free from the Duty of Tonnage was read the Second Time and Committed to the Gentlemen of this Board or any ffive of them.

At a Council held at Fort George in New York, the 9th June, 1715.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll DEPEYSTER, Mr BARBERIE,
Doctor STAATS, Mr PHILLIPSE,
Mr VAN DAM, Mr BIERLEY.

His Excellency communicated to this Board a Letter from the Comm^rs of the Indian Affairs at Albany of the 1st Instant wth the Information of Laurence Claesen the Indian Interpreter Imparting that the French had lately sent considerable presents to some of the ffive Nations, and settling some people among 'em to Learn their Language wch its conceived are measures taken to alienate the five Nations from us.

Whereupon his Excellency communicated a Message he has Writ to the Assembly upon that affair.

Ordered, that the Secery lay the same before the Assembly wth ye papers relating thereto.

Doctor Staats for Capt Walter Reported from the Committee to whom was Committed the Bill Entituled, An Act Declaring John Sloss free from the Duty of Tonnage, That they have Gone through the same w^thout any amendment.

Order'd, y^t the Bill be read the Third Time

Then the Said Bill was read a Third Time and pass'd without Amendment.

Order'd, that Dr Staats do acquaint the Assembly that this Board do agree to the Said Bill w^thout any Amendm^t.

The Bill Entituled, An Act for the Enabling the Major and Aldermen of ye City of New York to hold plea of Forreign Attachm^t, was Read the Second Time and Committed to the Gentl of this Board or any ffive of them.

The Bill Entituled, An Act for Encouraging Navigation, was Read ye Second Time and Committed to the Gentlemen of this Board or any five of them.

The Bill Entituled, An Act for Building a County house and prison in Dutchess County within this Collony was read the Second time and Committed to the Gentlemen of this Board or any ffive of them.

At a Council held at Fort George in New York, the 14th *of June*, 1715.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll DEPEYSTER,
Doctor STAATS,
RIP VAN DAM,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

The Bill Entituled, An Act to Enable Sarah Crego the Wid^w of Richard Crego late of the City of New York Marriner Deceased to Sell a Lott of Land in the Said City, was read the first time and

Ordered to be read a Second time.

The Bill Entituled, An Act Declaring that all ꝑsons of Forreign Birth heretofore Inhabiting within this Colony, and Dying Seized of any Lands Tenem^ts or hereditam^ts, Shall be for ever hereafter deemed taken and Esteemed to have been naturalized, and for naturalizing all Protestants of Forreign Birth now Inhabiting w^thin this Colony, was [read] the first Time and

Ordered to be read a Second Time

At a Council held at Fort George in New York, the 15th *June*, 1715.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll DEPEYSTER,
Doctor STAATS,
M^r VAN DAM,
Mr BARBERIE,
Mr BIERLEY.

The Bill Entituled, An Act to Enable Sarah Crego the Widow of Richard Crego late of the City of New York Märiner Decēd to Sell a Lott of Land in the Said City was Read the Second time and Committed to the Gentlemen of this Board or any ffive of them.

The Bill Entituled, An Act Declaring that all ꝑsons of fforeign Birth heretofore Inhabitants within this Colony and Dying Seized of any Lands Tenem^ts or Hereditam^ts shall be for Ever hereafter Deemed taken and Esteemed to have been Naturaliz'd, and for Naturalizing all Protestants of Foreign Birth now Inhabiting within this Colony, was Read the Second Time, and Committed to ye Gentlemen of this Board or any ffive of them.

His Excellency took Notice that yesterday it was mentioned by Dr Staats that he had made three Several promises for the passing this Bill, and lest it Should be thought that those promises were made absolutly by his Excellency and had been by him broken, he told them that the promises were made upon these Conditions—That the Assembly should Give an honourable Support of Governm^t and not a Scanty one, for one year, That they should pay the Debt arising to his Excellency, neither of which have been Done; The Support of Government being Scanty and but for a year and the Bill for payment of ye Debts being Clogg'd wth a Clause wch prevents for the p^rsent ye paym^t of y^t Debt, and leaves it yet Doubtfull whether ever t'will be paid, so that those Conditions being not yet ꝑform'd no breach of promise can be objected.

At a Council held at Fort George in New York, the 17th *Day of June*, 1715.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll DePEYSTER, Mr BARBERIE,
Doctor STAATS, Mr BIERLEY.
Mr VAN DAM,

Mr Barberie for Mr Phillipse Reported from the Committee to whom was Committed the Bill Entituled, An Act for Encouraging Navigation, That they have gone through the Same and made Some Amendments therein, which were Read and Agreed to by ye Board.

Ordered, that the Said Bill with the Amendments be read the Third Time.

Then the Said Bill was read the third time and pass'd wth ye Amendmts.

Ordered. That Mr Barberie do Carry the Said Bill to the Assembly and Acquaint them that this Board do agree to the Said Bill wth Some Amendmts to wch they Desire the Concurrence of that House

The Bill Entituled, An Act for Discharging of Capt Peter Vanbrugh and Hendrick Hansen Esqr of the City of Albany for and concerning the provisions, ammunitions and other States of War formerly in their hands belonging to this Colony, was Read the first Time and

Ordered to be read a Second Time.

Mr Bierley Reported from the Committee to whom was Committed the Bill Entituled, An Act Declaring that all ℙsons of Forreign Birth heretofore Inhabiting within this Colony and Dying Seized of any Lands Tenemts or hereditamts should be for ever hereafter Deemed taken and Esteemed to have been Naturalized and for Naturalizing all Protestants of Forreign Birth now Inhabiting within this Colony, That they have Gone through the Same without any Amendment.

Order'd, That ye Said Bill be read the Third Time

That the Said Bill was Read ye Third Time and pass'd without Amendment

Order'd, That Mr Bierley do Acquaint the Assembly that this Board do agree to the Said Bill without any Amendment.

Coll DePeyster Reported from the Committee to whom was Committed the Bill Entituled, An Act for the Enabling the Major and Aldermen of the City of New York to hold plea of Forreign Attachment, That they have Gone through the Same without Any Amendment

Order'd, that the Said Bill be read ye third time

Then the Said Bill was Read the Third Time and pass'd without Any Amendment.

Order'd, Coll DePeyster do Acquaint ye Assembly that this Board do agree to the Said Bill wthout Any Amendmt.

Doctor Staats Reported from the Committee to whom Committed the Bill Entituled, An Act for Building a County house and prison in Dutchess County within this Colony, That they have Gone through the Same without any Amendment

Order'd, That the Said Bill be Read ye third time.

Then the Said Bill was Read the Third Time and pass'd wthout Any Amendment

Order'd, That Dr Staats do Acquaint the Assembly that this Board do agree to the Said Bill without any Amendmt

Mr Barberie Reported from the Committee to whom was Committed the Bill Entituled, An Act to Enable Sarah Crego the Widw of Richard Crego late of the City of New York Marrinr Decēd to Sell a Lott of Land in the Said City, That they have Gone through the Same without any amendmt

Ordered, That the Said Bill be read the third Time

Then the Said Bill was Read the third Time and pass'd without Amendment.

Order'd, That Mr Barberie do Acquaint ye Assembly that this Board do's agree to ye Said Bill without any amendmt.

At a Council held at Fort George in New York, ye 20th *June*, 1715.

PRESENT— *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll DEPEYSTER, Mr BARBERIE,
Dr STAATS, Mr BIERLEY.
Mr VAN DAM,

The Bill Entituled, An Act for Continuing An Act of General Assembly Entituled, An Act for appointing Commissioner to lett to ffarm the Excise throughout this Colony, was Read the first time and

Ordered to be read a Second time.

Mr Phillipse took his place

The Bill Entituled, An Act to Enable Annetie Van Sluys Widow and Exec^r^x of Laurence Zacharias Van Sluys, late of the City of New York Decēd, to dispose of a House Lott of Ground in Wall Street w^th^in the Said City was Read ye first time and

Ordered to be read a Second time.

The Bill Entituled, An Act for Discharging of Capt Peter Van Brugh and Hendrick Hansen Esqr of the City of Albany for and concerning ye provisions, Ammunitions and other States of War formerly in their hands belonging to this Colony, was Read ye Second time and Committed to ye Gentlemen of this Board or any five of them

At a Council held at Fort George in New York, the 22nd *of June*, 1715.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll DEPEYSTER,
M^r^ VAN DAM,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BIERLEY.

A Message from the Assembly that they have pass'd a Bill Entituled, An Act for Repairing the County House and Prison in the County of Ulster, which Bill was Read the first time and

Ordered to be Read a Second Time.

The Bill Entituled, An Act for Continuing An Act of General Assembly Entituled, An Act for appointing Commissioners to Lett to Farm the Excise throughout this Colony was Read the Second time and Committed to ye Gentlemen of this Board or any five of them

The Bill Entituled, An Act to Enable Annetie Van Sluys Wid^w^ and Exec^r^x of Laurence Zacharias Van Sluys late of the City of New York Decē d to Sell and Dispose of a House and Lott of Ground in Wall Street within the Said City, was Read the Second time and Committed to the Gentlemen of this Board or any Five of them

His Excellency Communicated to this Board a Letter from the Commissioners of the Indian Affairs of the 15th Instant wth the Minutes of the Meeting of that Board of ye 14th Instant Relating to the French who were Going to Settle amongst our Indians.

Ordered, that the Secretary lay the same before the Assembly.

*At a Council held at Fort George in New York, y^e^* 23rd *of June*, 1715.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll DEPEYSTER,
Doctor STAATS,
Coll BEEKMAN,
M^r^ VAN DAM,
Mr BIERLEY.

His Excellency Communicated to this Board a Letter he Recēd from the Gover^r^ & Council of South Carolina Representing ye Deplorable Condition of that place being Attacked by the Indians and Desiring Assistance. Whereupon it's

Ordered, that the Said Letter be communicated to the Assembly which the Secretary is hereby ordered to lay before them

The Bill Entituled, An Act for Repairing the County house and prison in the County of Ulster, was Read the Second Time and Committed to the Gentlemen of this Board or any ffive of them

At a Council held at Fort George in New York, the 30th *June*, 1715.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Doctor STAATS,
Coll BEEKMAN,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BIERLEY.

Mr Bierley Reported from the Committee to whom was Committed the Bill Entituled, An Act for Continuing An Act of Gen'al Assembly Entituled, An Act for appointing Comm^rs^ to Lett to ffarm the Excise throughout this Colony, That they have Gone through the Same without Any Amendment.

Ordered, that the Bill be read a Third time.

Then the said Bill was Read the third Time and pass'd w^th^out amendm^t^.

Ordered, that Mr Bierley do Acquaint ye Assembly that this Board do agree to the said Bill without any amendment.

Mr Barberie for Mr Van Dam Reported from the Committee to whom was Committed the Bill Entituled, An Act for Discharging of Capt Peter Van Brugh and Hendrick Hansen Esqr of the City of Albany for and concerning the provisions, ammunitions and other States of War formerly in their hands belonging to this Colony, That they have gone through the Same without any Amendment.

Ordered, That the said Bill be read a third time.

Then the said Bill was Read the third Time and pass'd without any amendm^t^.

Ordered, That Mr Barberie do Acquaint the Assembly that this Board do agree to the said Bill without any Amendm^t^.

Mr Bierley Reported from the Committee to whom was Committed the Bill Entituled, An Act for repairing the County house and prison in the County of Ulster, That they have Gone through the same and made some amendments thereto which were Read and agreed to by the Board.

Ordered, That the s^d^ Bill wth ye Amendm^ts^ be read a third Time.

Then the s^d^ Bill was Read a third time & pass'd with the Amendments.

Ordered, That Mr Bierley do carry the s^d^ Bill to the Assembly and Acquaint them that this Board do agree to ye same wth some Amendments to which they Desire the concurrence of that House.

Coll Depeyster and Mr Van Dam took their places at ye Board.

The Bill Entituled, An Act for Reviving An Act Entituled, An Act for the better Settling the Militia of this province and making it more usefull for the Security and Defence thereof and for Repealing all former Acts heretofore made in this province relating to the same, was presented to the Board and read the first time and

Ordered to be read a Second time.

The said Bill was read the Second time and Committed to the Gentlemen of this Board or any five of them.

At a Council held at Fort George in New York, the 1st *of July*, 1715.
At 4 in the Afternoon.

PRESENT— *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll DEPEYSTER,
Doctor STAATS,
Capt WALTER,
Mr PHILLIPSE,
Mr BIERLEY.

A Message from the Assembly by Capt Stilwell with the Bill Entituled, An Act for Repairing the County house & prison in ye County of Ulster, acquainting this Board y^t^ house do agree to the Amendm^ts^ made by this Board to the said Bill.

Capt Walter Reported from the Committee to whom was Committed the Bill Entituled, An Act for Reviving An Act Entituled, An Act for the better Settling the Militia of this province and making it more usefull for the security & Defence thereof and for repealing all former Acts heretofore made in this province relating to the same, That they had Gone through the said Bill without any amendments.

Ordered, That the said Bill be read the third time.

Then the said Bill was read a third Time & pass'd w^th^out any amendm^t^

Ordered, That Capt Walter do acquaint ye Assembly that this Board have pass'd the said Bill to which they Desire ye Concurrence of that House.

At a Council held at Fort George in New York, the 4th *of July*, 1715.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll DEPEYSTER,
Doctor STAATS,
Capt WALTER,
Mr PHILLIPSE,
Mr BIERLEY.

His Excellency Communicated to this Board a Message from the Assembly by Mr Reade That that House do agree to the amendm^ts^ made by the Council to ye Bill Entituled, An Act for the Encouraging Navigation.

An Act Entituled, An Act for the Destroying of Wolves in the County of Orange being sent by the Assembly to the Council for their Concurrence was Read ye first time &

Order'd, to be Read a second time.

At a Council held at Fort George in New York, ye 4th July, 1715,
At 4 in ye Afternoon.

PRESENT— *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll DEPEYSTER,
Doctor STAATS,
Capt WALTER,
M^r VAN DAM,
Mr BARBERIE,
Mr BIERLEY.

The Bill Entituled, An Act for a supply to be Granted to his Majestie for supporting his Governm^t in the province of New York and for striking Bills of Credit for that purpose, sent from the Assembly to this Board was Read the first time and

Ordered, to be Read a second time.

The Bill Entituled, An Act for laying a Duty on Goods sold by Auction, Vendue or Outcry was Read ye first time and

Ordered to be read a Second time.

The said Bill Entituled, An Act for a supply to be Granted to his Majestie for supporting his Governm^t in the province of New York and for striking Bills of Credit for that purpose, was Read the second Time and Committed to the Gentl of this Board or any ffive of them

The Bill Entituled, An Act for laying a Duty on Goods sold [by] Auction, Vendue or Outcry was read the second time & committed to the Gentlemen of this Board or any ffive of them.

At a Council held at Fort George in New York, the 5th July, 1715.

PRESENT— *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll DEPEYSTER,
Doctor STAATS,
Capt WALTER,
RIP VAN DAM,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BIERLEY.

Mr Bierley Reported from the Committee to whom was Committed the Bill Entituled, An Act for a supply to be Granted to his Majestie for supporting his Governm^t in the province of New York and for striking Bills of Credit for that purpose, That they have Gone through the same without any amendment.

Ordered, that ye said Bill be read the third Time

Then the said Bill was Read the third Time

Resolved, the said Bill do pass

Ordered, that Mr Bierley do acquaint ye Assembly that this Board do agree to the said Bill w^thout any amendment.

Coll Depeyster Reported from ye Committee to whom was Committed the Bill Entituled, An Act for Laying a Duty on Goods sold by Auction, Vendue or Outcry That they have Gone through the same without any amendm^t.

Ordered, That the said Bill be read a Third time.

Then the said Bill was Read the third Time and pass'd.

Ordered, That Coll Depeyster do acquaint ye Assembly that this Board do agree to ye said Bill without any amendment.

A Message from the Assembly by Mr Lakerman to acquaint this Board That that House do agree to the Bill Entituled, An Act for Reviving An Act Entituled, An Act for the better settling the Militia of this province and making it more usefull for the security and Defence thereof & for Repealing all former Acts heretofore made in this province relating to the same.

The Secretary being sent to Require the attendance of the Assembly His Excellency gave his assent to ye following Bills vizt

A Bill Entituled, An Act for a Supply to be Granted to his Majestie for supporting his Governm^t in the province of New York and for striking Bills of Credit for that purpose.

A Bill Entituled, An Act Declaring that all ℙsons of fforreign Birth heretofore Inhabiting within this Co'ony and Dying Seized of any Lands, Tenements or Hereditaments shall be forever hereafter Deemed taken and Esteemed to have been naturalized and for naturalizing all Protestants of Forreign Birth now Inhabiting within this Colony.

A Bill Entituled, An Act for Laying a Duty on Goods sold by Auction, Vendue or Outcry

A Bill Entituled, An Act for Encouraging Navigation.

A Bill Entituled, An Act for Reviving An Act Entituled, An Act for the better Settling the Militia of this province and making it more usefull for the security and Defence thereof and for Repealing all former Acts heretofore made in this province relating to the same

At a Council held at Fort George in New York, the 7th of July, 1715.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll DEPEYSTER,
Doctor STAATS,
Capt WALTER,
Coll BEEKMAN,
Mr VAN DAM,
Mr BARBARIE,
Mr PHILLIPSE.

The Bill Entituled, An Act for appointing An Agent and Directing the Treasurer of this Colony to pay the sum of ffive Hundred ounces of plate yearly to John Champantie Agent to negotiate the affairs of this Colony at the Court of Great Britain, was Read the ffirst time and

Ordered, to be Read a second time.

The Bill Entituled, An Act for the better repairing the fortifications of Schenectady, in the County of Albany & providing their Military Watch with fire wood, was Read the first time and

Ordered to be Read a second time

The Bill Entituled, An Act for Reviving and Continuing An Act Entituled, An Act to prvent the running away of Negro Slaves out of the City and County of Albany to the French at Canada, was read the first time and

Ordered to be Read a second time

The Bill Entituled, An Act for Annulling and making void a fraudulant Conveyance of Mary Davenport made by her while she was sole by the name of Mary Miserol to one James Broun, of certain Lands Goods and Chattles lately belonging to John Miserol her former Husband Decēd, was Read the first time and

Ordered to be read a second time

The Bill Entituled, An Act to Exempt Hannah Martin, Doctor Christian Cooper and Mr George Smith from payment of the Tax for Twelve Negro's Imported from South Carolina, was Read the first time and

Ordered to be Read a second time.

Mr Bierley took his place

The Bill Entituled, An Act for the Destroying of Wolves in the County of Orange was read the second time and Committed to the Gentlemen of this Board or any five of them

The Treasurer Delivered to this Board a Resolve of the Assembly of yesterday in these words vizt

The House being informed that some disputes and differences had arose on the Landing of some Wine & Rum

It is the opinion of this House that the Treasurer of this Colony may Give on the Landing Wine and Rum the usual Liberties and allowances formerly Given by the Receivor General so that he take care the Dutys arising thereupon be truly and bonâ fide paid or secured to be paid According to ye true intent & meaning of the Act By Vertue of which the sd Dutys are made payable, and pray'd the opinion of this Board thereon.

Resolved, that this Board do agree wth the house in opinion as is before mentioned

The Bill Entituled, An Act for appointing an Agent and Directing the Treasurer of this Colony to pay The sum of Five hundred ounces of plate yearly to John Champanty Agent to negotiate the Affairs of this Colony at the Court of Great Britain, was Read the second time and Committed to the Gentlemen of this Board or any ffive of them

The Bill Entituled, An Act for the better Repairing the Fortifications of Schenectady in the County of Albany & providing them (*sic*) Military Watch with ffirewood, was read the Second Time and Committed to the Gentlemen of this Board or any ffive of them.

The Bill Entituled, An Act for Reviving and continuing An Act Entituled, An Act to prevent the Runing away of Negro Slaves out of the City and County of Albany to the ffrench at Canada, was Read a Second Time and Committed to the Gentl of this Board or any ffive of them.

The Bill Entituled, An Act for annulling and making void a Fraudulent conveyance of Mary Davenport made by her while she was sole by the name of Mary Miseroel to one James Brown of certain Lands Goods and Chattles lately belonging to John Miseroel her former Husband Deceased, was Read the Second Time and Committed to the Gentlemen of this Board or any ffive of them.

The Bill Entituled, An Act to Exempt Hannah Martin Doctor Christian Cooper and Mr George Smith from payment of the Tax for Twelve Negro's Imported from South Carolina, was Read a Second Time and Committed to the Gentlemen of the Council or any ffive of them.

The Bill Entituled, An Act to oblidge the Inhabitants of each particular ward within the City of New York to make good their respective Quota's of all Publick Taxes, was Read the first Time and

Ordered to be read a Second Time

Then the said Bill was read the Second time and committed to the Gentlemen of this Board or any ffive of them

At a Council held at Fort George in New York, the 13th of July, 1715.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll DEPEYSTER,
Doctor STAATS,
Capt WALTER,
Mr VAN DAM,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BIERLEY.

The Bill Entituled, An Act to Relieve Robert Lurting Vendue Mar of the province of New York from Divers penalties in a certain Act of General Assembly made in the Twelfth year of her late Majestie Entituled, An Act for Laying a Duty on Goods sold by publick Vendue or Outcry pass'd by the Assembly and sent up for the concurrence of this Board, was Read the first time and

Ordered to be read a second time.

Samuel Staats Esqr Reported from the Committee to whom was Committed the Bill Entituled, An Act for appointing an agent and Directing the Treasurer of this Colony to pay the sum of Five Hundred ounces of plate yearly to John Champantie Agent to Negotiate the Affairs of this Colony at the Court of Great Britian, That they have Gone through the same without any amendment.

Ordered, the said Bill be recommitted to the Gentl of this Board or any ffive of them.

John Barberie Esqr Reported from the Committee to whom was committed the Bill Entituled, An Act for the Destroying of Wolves in the County of Orange, That they have Gone through the said Bill without any Amendment.

Ordered, the said Bill be read the third time.

Then the said Bill was read the third time and pass'd without any Amendment.

Adolph Phillipse Esqr Chairman of the Committee to whom was Committed the Bill Entituled, An Act for Reviving and Continuing An Act Entituled, An Act to prvent the Runing away of Negro Slaves out of the City and County of Albany to the ffrench at Canada, Reported from the said Committee, that they had gone through the said Bill without any amendment.

Ordered, that the said Bill be read a Third Time.

Then the said Bill was read the Third time and pass'd without any Amendment·

Ordered, that Mr Phillipse do acquaint the Assembly that this Board do agree to the said Bill without any Amendmt

Robert Walter Esqr Chairman of the Committee to whom was Committed the Bill Entituled, An Act for the better repairing the fortifications of Schenectady in the County of Albany and providing their Military Watch with firewood Reported from the said Committee, That they have Gone through the said Bill without any Amendment

Ordered, the said Bill be read a third Time

Then the said Bill was read a Third Time and pass'd without any Amendment.

Ordered, that Capt Walter do Acquaint the Assembly that this Board do agree to the said Bill without any Amendmt

Adolph Phillipse Esqr Chairman of the Committee to whom was Committed the Bill Entituled, An Act to oblidge the Inhabitants of each particular Ward within the City of New York to make good their respective Quota's of all publick Taxes Reported, that they have Gone through the said Bill without any Amendmt

Ordered, the said Bill be read the Third Time.

Then the said Bill was read the third time and pass'd wthout any Amendment.

Ordered, that Mr Phillipse do acquaint the Assembly that this Board do agree to the said Bill without any Amendmt.

Abraham Depeyster Esqr Chairman of the Cōmittee to whom was Committed the Bill Entituled. An Act to Exempt Hannah Martin, Dr Christian Cooper and Mr Geo. Smith from payment of the Tax for Twelve Negro's imported from South Carolina, Reported from said Committee, that they had Gone through the said Bill and have made an Amendmt thereto which was read and agreed to by this Board.

Ordered, the said Bill be read a Third Time with the said Amendment.

Then the said Bill was Read the third time and pass'd with the Amendment

Ordered, that Coll Depeyster do carry the said Bill with the Amendment to the Assembly and acquaint them that this Board do agree to the said Bill with an Amendment to which they Desire the concurrence of that House.

Adolph Phillipse Esqr for Gerrardin Beekman Esqr Chairman of the Committee to whom was Committed ye Bill Entituled, An Act to Enable Annetie Van Sluys widw and Executrix of Lawrence Zacharias Van Sluys late of the City of New York Decēd to Sell and Dispose of a House and Lott of Ground in Wall Street within the said City Reported, that they have examined into the matters in the said Bill and have heard the several parties thereon and are humbly of opinion that the said Bill do Lye on the Table

Which Report is agreed to by the Board.

Ordered, the said Bill do Lye on the Table

Abraham Depeyster Esqr Chairman of ye Committee to whom was Committed the Bill Entituled, An Act for Annulling and making void a fraudulent conveyance of Mary Davenport made by her while she was sole by the name of Mary Miseroel to one James Browne of certain Lands Goods and Chattles lately belonging to John Miseroel her former husband Decēd, Reported from the said Committee, that they have Examined into the matter of the said Bill and have fully heard ye parties concern'd and their Council, and are humbly of opinion that the said Bill be Rejected or Lye upon the Table.

Ordered, the said Bill do Lye upon the Table

The Bill Entituled, An Act to Relieve Robt Lurting Vendue Ma^r of the province of New York from Divers penalties in a certain Act of General Assembly made in the Twelfth year of her late Majestie Entituled, An Act for laying a Duty on Goods sold by publick Vendue or Outcry, was Read a Second Time and Committed to the Gentlemen of this Board or any five of them

At a Councel held at Fort George in New York, the 13th *day of July*, 1715.

At 2 of the clock in the afternoon.

PRESENT — His Excellency and Gentlemen of ye Council as in the Morning.

Samuel Staats Esqr Chairman of the Committee to whom was Recommitted the Bill Entituled, An Act for Appointing an Agent and Directing the Treasurer of this Colony to pay the sum of ffive Hundred ounces of plate yearly to John Champante Agent to Negotiate the Affairs of this Colony at the Court of Great Britain Reported from the said Cōmittee, that they have gone through the said Bill and have made an Amendment thereto wch was read and agreed to by ye Board.

Ordered, the said Bill with the Amendment be read the third time

Then the said Bill with the Amendment was read the third time and past with the said Amendment.

Ordered, that Dr Staats do carry the said Bill with the Amendm^t to the Assembly and acquaint them that this Board do agree to the said Bill with an Amendm^t to which they Desire the Concurrence of that House.

Adolph Phillipse Esqr Chairman of the Committee to whom was Committed the Bill Entituled, An Act to Relieve Robert Lurting Vendue Ma^r of the province of New York from Divers penalties in a certain Act of General Assembly made in the Twelfth year of her late Majestie Entituled, An Act for Laying a Duty on Goods sold by publick Vendue or Outcry, Reported from the said Committee, that they had Gone through the said Bill without any Amendment.

Ordered, the said Bill be read a Third Time

Then the said Bill was read a third Time and pass'd without any Amendment.

Ordered, that Mr Phillipse do acquaint the Assembly that this Board do agree to ye s^d Bill w^thout any Amendm^t

At a Councell held at Fort George in New York, ye 15th *of July*, 1715.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col DEPEYSTER,	Mr BARBERIE,
Doctor STAATS,	Mr PHILLIPSE,
M^r VAN DAM,	Mr BIERLEY.

A Message from the Assembly that they have agreed to the Amendments made by this Board to the Bill Entituled, An Act to Exempt Hannah Martin, Doctor Christian Cooper and Mr George Smith from payment of the Tax for Twelve Negro's Imported from South Carolina

A Message from the Assembly that they have agreed to the Amendm^ts made by this Board to the Bill Entituled, An Act for appointing an Agent and Directing the Treasurer of this Colony to pay the sume of Five Hundred ounces of plate yearly to John Champantee Agent to negotiate the affairs of this Colony at the Court of Great Britain.

The Bill Entituled, An Act for the better Repairing the ffortifications of the City of Albany providing their Military Watch wth fire-wood and Discharging of other the publick and necessary charges of the Said City Sent from the Assembly was Read the first time and

Order'd to be read a Second time

The Bill Entituled, An Act for Relieving the Inhabitants of South Carolina from the Duties laid and paid in this Colony of New York for Such Goods Slaves and Merchandizes as they shall Import into this Colony during the Time of Six Months, Sent from ye Assembly was read the first time and

Orderd to be read a Second time

At a Councel held at Fort George in New York, the 19th *of July*, 1715.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Doctor STAATS,
Capt WALTER,
M^r^ VAN DAM,
Mr BARBERIE,
Mr BIERLEY.

The Bill Entituled, An Act for the better Repairing the fortifications of the City of Albany providing their Military Watch wth firewood and Discharging of other the publick and necessary charges of the Said City, was read the Second time and Committed to the Gentlemen of this Board or any ffive of them

The Bill Entituled, An Act for Relieving the Inhabitants of South Carolina from the Dutys laid and paid in this Colony of New York for Such Goods Slaves and Merchandizes as they Shall Import into this Colony during the Time of Six Months, was read the Second Time and committed to the Gentlemen of this Board or any Five of them

At a Councel held at Fort George in New York, the 20th *of July*, 1715.

PRESENT — *His Excellency* ROB^t^ HUNTER, Esqr, &c.,

Coll DEPEYSTER,
Doctor STAATS,
M^r^ VAN DAM,
Mr PHILLIPSE,
Mr BIERLEY.

Mr Van Dam for Capt Walter Reported from the Committee to whom was Committed the Bill Entituled, An Act for the better Reparing the fortifications of the City of Albany providing their Military Watch with firewood, and Discharging of other the publick and necessary charges of the Said City, that they have gone through the Same without any Amendm^t^

Ordered, that the Said Bill be read the Third Time

Then the said Bill was Read the Third Time and pass'd without Any Amendment.

Ordered, that Mr Van Dam do Acquaint ye Assembly that this Board do Agree to the Said Bill without Any Amendm^t^

Mr Bierley Reported from the Committee to whom was Committed the Bill Entituled, An Act for Relieving the Inhabitants of South Carolina from the Duties Laid and paid in this Colony of New York for Such Goods Slaves and Merchandizes as they Shall Import into this Colony during the time of Six Months, that they have Gone through the Same without Any Amendment.

Ordered, that the Said Bill be read ye third time.

Then the Said Bill was read a third time & pass'd w^th^out Amendm^t^

Ordered, that Mr Bierley do Acquaint the Assembly that this Board do Agree to ye Said Bill w^th^ont Any Amendment.

The Bill Entituled, An Act Continuing An Act Entituled, An Act for the Easier partition of Lands in Joyntenancy or in Common Sent from the Assembly was read the first time and

Order'd to be read a Second time

Then the said Bill was read the second time and Committed to the Gentlemen of this Board or any ffive of them

The Bill Entituled, An Act for the Treasurer's paying several ꝑsons therein named, and for paying the Excise in arrear to the Treār sent from ye Assembly was Read the first Time and

Order'd to be read ye second time

Then the said Bill was read the second time & Comitted to the Gentlemen of this Board or any ffive of them

At a Councel held at Fort George the 21st *day of July*, 1715.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll DEPEYSTER,
Doctor STAATS,
Capt WALTER,
Coll BEEKMAN,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BIERLEY.

Mr Phillipse Reported from the Committee to whom was Committed the Bill Entituled, An Act Continuing An Act for the Easier partition of Lands in Jonytenancy (*sic*) or in Common, That they have gone through the same without any amendment

Ordered, that ye sd Bill be read the Third time

Then the said Bill was read the Third time and pass'd without any amendment

Ordered, that Mr Phillipse do acquaint the Assembly that this Board do agree to the said Bill wthout any amendment

Capt Walter Reported from the Committee to whom was Committed the Bill Entituled, An Act for the Treasurer's paying several persons therein named and for paying the Excise in Arrear to the Treasurer, That they have gone through the same wthout any amendmt

Ordered, that the said Bill be read the Third time.

Then the said Bill was Read the third Time and pass'd wthout any amendmt.

Ordered, that Capt Walter do acquaint the Assembly that this Board do agree to the said Bill without amendment

The Secretary being sent to the Assembly to require their attendance here, and they being come His Excellency gave his Assent to the following Bills Vizt

An Act for Building a County house and prison in Dutchess County within this Colony

An Act to Enable Sarah Crego the Widw of Richard Crego late of the City of New York Mariner Deceased to sell a Lott of Land in the said City.

An Act for Discharging Capt Peter Van Brugh and Hendrick Hansen Esqr of the City of Albany for and Concerning the provisions, amunitions and other stores of War formerly in their hands belonging to this Colony.

An Act for repairing the County house and prison in the County of Ulster.

An Act for Continuing An Act of General Assembly Entituled, An Act for appointing Cōmissioners to Lett to ffarm the Excise throughout this Colony.

An Act for declaring John Sloss free from the Duty of Tonnage.

An Act to Exempt Hannah Martin, Doctor Christian Cooper and Mr George Smith from payment of the Tax for twelve Negro's Imported from South Carolina.

An Act to Relieve Robert Lurting Vendue Master of the province of New York from Divers penalties in a certain Act of General Assembly made in the Twelfth year of her late Majestie Entituled, An Act for laying a Duty on Goods sold by publick Vendue or Outcry.

An Act to oblige the Inhabitants of each particular Ward within the City of New York to make good their respective Quota's of all publick Taxes

An Act for the Destroying of Wolves in the County of Orange

An Act for the better repairing the fortifications of Schenectady in the County of Albany and providing their Military Watch with firewood.

An Act for Reviving and Continuing An Act Entituled, An Act to prevent the Runing away of Negro Slaves out of the City and County of Albany to the French at Canada

An Act for the appointing an Agent and Directing the Treasurer of this Colony to pay the Sum of Five Hundred ounces of plate yearly to John Champante Agent to negotiate the affairs of this Colony at the Court of Great Britain.

An Act Continuing An Act Entituled, An Act for the Easier partition of Lands in Joynt Tenancy or in Common.

An Act for the Treasurer's paying Several persons therein named and for paying the Excise in Arrear to ye Treasurer.

An Act for relieving the Inhabitants of South Carolina from the Duties Laid and paid in this Colony of New York for such Goods Slaves and Merchandizes as they shall Import into this Colony during the Time of Six months

An Act for the better repairing the ffortifications of the City of Albany providing their Military Watch with ffirewood and Discharging of other the publick and necessary charges of the said City

[In Executive Session.]

11th *of August*, 1715.

His Excellency Told this Board that it is the opinion of the Attorney General that the Assembly is Dissolved by the Letters patents now Granted to the Governour for the Governmt of this province, The Assembly being called by Vertue of the Letters patents Granted by her late Majestie, and those letters patents being determined by these Granted by his Majestie and this Board Concurring in ye same opinion. It is

Ordered, that to obviate all scruples and objections a Proclamation Issue reciting the Determinacōn of the last patent by the present one declaring ye Assembly to be Dissolved and Signifying yt a New one will be called as soon as may be.

SEVENTEENTH ASSEMBLY FIRST SESSIONS.

Att a Councill held at ffort George in New York, ye 5th day of June, 1716.

PRESENT— *His Excell* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,	Mr BARBERIE,
Capt WALTER,	Mr PHILLIPSE,
Coll BEEKMAN,	Mr BYERLEY,
M^r VAN DAM,	Mr CLARKE.

The Assembly being mett according to his Excēll's adjournment to this Day, his Excēll^y sent the Deputy Sectary to Require their Attendance at the Councill Chamber Imediatley and two and twenty of the members of the said Assembly being Come they Severally took the oaths appointed instead of the Oaths of Allegiance & Supreamacey and the abjuration Oaths and made & subscribed ye Test, after which his Excēll Recommended to them to Returne to their own house and choose a Speaker.

The Assembly being Returned, Declared they had Unanimously Chosen Willm Nicolls Esqr their Speaker who they presented to his Excēll of which Choise his Excēll approved

And then the Speaker on the behalf of the Assembly desired of his Excēll the Same priviledg for the members of the Assembly

After which his Excēll made the following Speach to them vizt

Gentlemen,

Were there no reason for our meeting at this time then y^t we may together rejoyce for ye Successes wth wch it has pleas'd the Almighty to bless his Maties Councils & arms over ye Crafty Devices of his natural Enemies & Desperate Attempts of his unnatur^l Subjects I think y^t is Sufficient; for, is there a man who has ye least Concern for humane nature itself, who is not fill'd wth Joy to find ye essential difference betwixt y^t & ye Subordinate Species of Animals refix'd & maintained, wch must have been entirely cancel'd by y^t sort of power wch alone could have given Success to & have Supported ye Cause of a popish Pretender; for my own part I own I have ever thought y^t a Man & his Beast have at best equal shares in ye benefit of Such a Governm^t; I know I speak to a set of men, who Joyn wth me in these thoughts; and to do Justice to those whom you rep^rsent, I firmly believe, y^t his Matie in ye wide extent of his Dominions has not a province where fewer look a squint on his rightful title & Righteous Cause; for I think not one has ventur'd to speak. I would not have you misconstrue what I am about to say, as if I was sounding an alarm in ye middle of a profound peace; far be y^t thought from me. Yo^r future Security is all my aim. The late insidious treaties of peace & Commerce (the best authority on earth has call'd them so) had left it too much in ye power of those whom I can hardly forbear to call still our Enemies to annoy us on this side, when they shall find themselves inclin'd to interpret those treaties in favour of a groundless Rupture. The vast preparations in ffrance for Settlements behind you along ye Mesapi with the Neighbourhood of a very considerable Garison & Seaport at Cape Breton as they may let you into Some of their views in making y^t peace (for twa's they y^t made it) so they Justifie my apprehensions and I hope will be Sufficient to Induce you to put yor selves into a better State of Defence ag^t ye evil day [to] Come. The strength of this ffort is very little proportion'd to it's use, wch I take to be not only ye Security of this province but in a great measure that of this Continent. The ffort at Albany is next to none at all, and will Signifie little ag^t any but Indian enemies, and upon y^t you well know, depends intirely ye Safety of yor ffronteers & remote Settlements. I have not been wanting in due rep^rsentations elsewhere in this matter, and have accounts y^t ye L^ds of Trade have been pleas'd to second them wth their advice to his Matie for an Augmentation of ye troops here, of wch I hope we shall speedily have a favourable account. I hope you will not be wanting on yor part, now y^t the Burthensome Expense of ye fruitless expeditions is in a great measure over, and ye subject here is less loaded wth publick taxes than any of their Neighbours I shall be ready to Confer with and advice you about w^t is necessary to be done in that matter.

A former Assembly merited and received ye Blessings of many Suffering ffamilies by ye paym^t of ye publick Debts, if by neglect or otherwise any Just Claimants have been disappointed, I hope you'l share these blessings, in providing for ye satisfaccōn of all such just claims.

I have detain'd you too long; what besides may occur to me, wch ought to fall under yor deliberations, I shall communicate to you hereafter. I need not tell you y^t the season of year requires Dispatch,

RO: HUNTER

And the Speaker Disireing a Copy thereof, his Excēll Delivered them a Copy thereof.

Att a Councill held at ffort George in New York, the 6th day of June, 1716.
At one a Clock in the Afternoone.

PRESENT — *His Excell* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,	Mr VAN DAM,
Capt WALTER,	Mr BYERLEY,
Coll BEEKMAN,	Mr CLARK.

A Message from the Assembly dessireing to Know if this Board will join with the Assembly in an Address to his Majesty on the happy successes of his Armes in suppressing the late Rebellion in Great Britain.

Ordered, that Mr Clarke acquaint the Assembly that this Board will join with that House in an Address to his Majesty on the happy success of his Arms in suppressing the late Rebelion in Great Britain and that they will meet a committee of the Assembly for that purpose at Mr Braziers at four a clock this afternoon if the Assembly think fit to appoint their committee.

Ordered, the Gentn of this Board or any five of them be a committee for the porpose.

At a Council held at ffort George in New York, the 28th (sic) *day of June*, 1716.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,	Mr VAN DAM,
Capt WALTER,	Mr BYERLEY,
Coll BEEKMAN,	Mr CLARKE.

A Message from the Assembly that they have pass'd a Bill Intituled, An Act for the Returning of able and sufficient Jurors on Tryals at Law sent up to this Board for their concurrence.

Ordered, the said Bill be read

Then the said Bill was read ye first Time and

Ordered, to be Read a second time.

A Message from the Assembly that they have passed a Bill Intituled, An Act for Reviving An Act, Intituled, An Act for ye encouragement of Whaling

Which Bill was read the first Time and

Ordered to be read a second time

Mr Barberie took his place at ye Board.

Mr Phillipse took his place ye Board.

Ordered, that it be referred to the Gentl of this Board or any ffive of them To draw and bring into this Board a Bill for ye Better settling the Militia of this province.

At a Council held at ffort George in New York, the 27th *day of June*, 1716.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,	Mr BARBERIE,
Capt WALTER,	Mr PHILLIPSE,
Coll BEEKMAN,	Mr BYERLEY,
Mr VAN DAM,	Mr CLARKE.

The Bill Intituled, An Act for ye Returneing of able and sufficient Jurors at Tryal at Law was Read the second time and committed to the Gentlemen of this Board or any five of them.

The Bill Intituled, An Act for Reviving An Act Entituled, An Act for the Encouragement of Whaleing was Read the second time and committed to the Gentlemen of the Council or any five of them

A Bill was presented to this Board Entituled, An Act Reviveing An Act Entituled, An Act for the Better Seetleing the Militia of this province and makeing it more usefull for the security and Defence thereof and for Repealing all former Acts heretofore made in this province Relateing to the same.

Which Bill was Read the first Time and

Ordered to be Read a second Time

Then the said Bill was Read a second time and Committed to the Gentleman (*sic*) of this Board or any five of them

At a Council held at ffort George in New York, ye 29 Day June, 1716.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll D PEYSTER, Mr BYERLEY,
Coll BEEKMAN, Mr CLARKE.
Mr PHILLIPSE,

Garardus Beekman Esqr Reported from the Committee to whom was Committed An Act for Returneing of able and sufficient Jurers on Tryales at Law that they have Gone through the said Bill & have made an amendment thereto, wch was Read and agreed to by the Board.

Ordered, that the said Bill be read the Third Time and pass'd wth the amendment.

Then the said Bill was Read the Third Time and pass'd with the amendment.

Ordered, That Coll Beekman do carry the said Bill to ye Assembly and acquaint them that this Board do agree to the said Bill with an amendm^t to wch they desire the Concurrence of that House.

George Clarke Esqr Reported from the Committee to whom was comitted the Bill Entituled, An Act for reviving An Act Intituled, An Act for ye Encouragement of Whaling, That they have Gone through ye s^d Bill & have made an amendm^t thereto, wch was read & agreed to by this Board

Ordered, that the said Bill wth the amendment be Read the Third time

Then the said Bill was Read ye Third Time and pass'd wth the amendment

Ordered, that Mr Clarke Do Carry the s^d Bill to ye Assembly and acquaint them that this Board Do agree to ye s^d Bill wth an amendm^t to wch they Desire the Concurrence of that House.

Mr Phillipse for Mr Barberie Reported from the Committee to whom was Committed the Bill Intituled, An Act for Reviving An Act Intituled, An Act for the better settling the Militia of this province and making it more usefull for the security and Defence thereof and for Repealing all former Acts heretofore made in this province relating to ye same; That they have Gone through the said Bill and have made some amendm^ts thereto wch were read and agreed to by the said Board.

Ordered, The said Bill with the amendments be Ingrossed.

The Ingrossed Bill Intituled, An Act for Reviving An Act Intituled, An Act for the better settling ye militia of this province and making it more usefull for ye security and Defence thereof and for Repealing all former Acts heretofore made in this province Relating to ye same, was Read and agreed to by ye Board.

Resolved, the said Bill do pass.

Ordered, that Mr Clarke do Carry ye s^d Bill to the Assembly for their Concurrence.

Capt Walter took his place at ye Board.

A Message from ye Assembly That that House have pass'd a Bill Intituled, An Act to prevent The selling and Giving of Rum or other Strong Liquors to the Indians To wch they Desire the Concurrence of this Board.

Which Bill was read ye first Time and

Ordered to be read a 2nd time.

A Message from the Assembly That that House have pass'd a Bill Intituled, An Act for preserving Deere in ye County of Ulster and Reviving An Act for ye preservation of Deere to wch they Desire the Concurrence of this Board.

Which Bill was Read the first time and

Ordered to be read a Second time

At a Councill held at ffort George in New York, ye 29th day of June, 1716,
In the Afternoon.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER, Mr BYERLEY,
Coll BEEKMAN, Mr CLARKE.
Mr BARBERIE,

The Bill Intituled, An Act to prevent ye Selling & Giving of Rum or other Strong Liquors to ye Indians was read ye Second Time and committed to ye Gentlemen of this Board or any ffive of them

The Bill Intituled, An Act for preserving Deere in ye County of Ulster, and Reviving An Act for ye preservation of Deere was read ye Second Time & Committed to ye Gent of this Board or any ffive of 'em.

A Message from the Assembly That that House have pass'd a Bill Intituled, An Act for ye Building and Erecting two Woodden houses or sheds for the accomodation of ye Indians Trading at Albany and keeping them in Good repair wch Bill was read ye first Time and

Ordered to be read a Second time

A Message from the Assembly by Coll Rutsen and Maj^r Hicks to acquaint this Board That y^t house by reason of ye present harvest and ye season of ye year are Inclined to adjourn themselves till ye 17th of Septem^r next if ye same may be suitable to his Excellency's affairs

The Bill Intituled, An Act for ye Building and Erecting Two Woodden houses or Sheds for ye accomodation of the Indians Trading at Albany and keeping them in Good repair was read ye Second time and Committed to ye Gentlemen of this Board or any five of them.

At a Council held at ffort George in New York, ye 30th of June, 1716.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Coll BEEKMAN,
M^r VAN DAM,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY,
Mr CLARKE.

Mr Phillipse Reported from the Committee to whom was Committed the Bill Intituled, An Act to prevent ye Selling and Giving of Rum or other Strong Liquor to the Indians That they have Gone through ye same w^thout any Amendm^t

Ordered, the s^d Bill be read ye Third Time.

Then ye s^d Bill was read ye Third Time & pass'd w^thout any Amendm^t.

Ordered, that Mr Phillipse do acquaint ye Assembly y^t this Board do agree to ye said Bill w^thout any Amendment

Mr Phillipse Reported from ye Committee to whom was Committed the Bill Intituled, An Act for preserving Deere in ye County of Ulster and reviving An Act for ye preservation of Deere That they have Gone through ye same without any Amendment

Ordered, the said Bill be read the Third Time.

Then the said Bill was read ye Third Time & pass'd w^thout any Amendm^t

Ordered, that Mr Phillipse do acquaint the Assembly y^t this Board do agree to ye said Bill w^thout any Amendm^t

Coll Beekman Reported from ye Committee to whom was Committed the Bill Intituled, An Act for ye Building and Erecting Two woodden houses or sheds for ye accomodation of The Indians Trading at Albany and keeping them in Good repair, That they have Gone through ye same w^thout any Amendm^t

Ordered, the said Bill be read ye Third Time

Then the said Bill was read ye Third Time and passed without any amendment

Ordered, that Coll Beekman do acquaint ye Assembly that this Board do agree to ye said Bill without any amendment

A Message from the Assembly by Alderman Kipp That he return to this Board the Bill Intituled, An Act for Reviving An Act Intituled, An Act for ye Encouragem^t of Whaling wth ye Amendment and to acquaint this Board, That that house do agree to ye Amendment made by this Board to ye s^d Bill

A Message from ye Assembly by Capt Garret Van Horne That he return to this Board the Bill Intituled, An Act for reviving An Act Intituled, An Act for ye better settling ye Militia of this province and making it more usefull for ye security & Defence thereof and for repealing all former Acts heretofore made in this province relating to ye same And y^t he acquaint this Board, That that House do agree to ye s^d Bill without any amendment.

His Excellency having sent ye Deputy Secretary to ye Assembly to require their attendance in ye Council Chamber Immeadiately and they being come his Excēlly Gave his Assent to ye following Bills Enacting ye same and ordered them to be Enrolled vizt

1. An Act for ye reviving An Act Intituled, An Act for ye Encouragem^t of Whaling

2. An Act for reviving An Act Intituled, An Act for ye settling ye Militia of this province & making it more usefull for ye security & defence thereof and for repealing all former Acts heretofore made in this province relating to ye same

3. An Act for ye p^rserving of Deere in ye County of Ulster & reviving An Act for ye preservation of Deere

4. An Act to prevent ye selling or Giving of Rum or other strong liquors to ye Indians.

5. An Act for ye Building & Erecting two woodden houses or sheds for ye accomodation of ye Indians Trading at Albany and keeping them in good repair.

SEVENTEENTH ASSEMBLY SECOND SESSIONS

At a Council held at ffort George in New York, August ye 21st, 1716.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Capt WALTER,
Coll BEEKMAN,
M^r VAN DAM,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY,
Dr JOHNSTON.

The Bill Intituled, An Act for Destroying of Wolves & ffoxes in the County of Westchester pass'd by the Assembly and sent up to this Board for their concurrence was read the first Time and

Ordered to be read a second time.

The Bill Intituled, An Act for Discharging Coll Killian Van Renselaer, Major Dirick Wessels and Meyndert Schuyler Esqr of the City of Albany for and concerning the provisions, amunitions and other stores of War formerly in their hands belonging to this Colony pass'd by the Assembly and sent to this Board for their Concurrence, was read ye first time, and

Ordered to be read a second time

The Bill Intituled, An Act for ye better repairing ye ffortifications of the City of Albany and providing their Watches with firewood pass'd by the Assembly and sent up to this Board for their concurrence was Read the first time and

Ordered to be read a second time

The Bill Intituled, An Act for nominating Comm^rs to ffarm the Excise throughout this Colony pass'd by the Assembly and sent up to this Board for their concurrence, was Read ye first time and

Ordered to be read a second Time.

The Messenger of the Council acquainted his Excēlly that the Assembly were Attending and Desired admission to offer somthing to his Excellency, and they being called in,

The Speaker of the Assembly presented an Address to his Excellency from the General Assembly setting forth

That ye Assembly being Deeply Sensible of ye Great Hurt Damage and Inconvenience Mr Saml Mulford a member of that House Suffers & undergoes by occasion of a prosecution against him in the Supream Court for printing and publishing a Speech formerly made by him in Assembly, Are humbly Suitors to his Excellency to Give Orders That Mr Mulford in regard of his Great age, Distance of his Habitation from this Citty and other Considerations may be freed and Discharged from the Said prosecution in the Supream Court

Whereto his Excellency made the following Answere vizt

Although the Gentleman named in the Address lay under a prosecution, not for a Speech made in their House But for publishing & Dispersing a false and Malitious Libel against the Governm^t (for So it was Termed by the House of Representatives) tending to alienate the Affections of the Subjects from the Government & raising Groundless Jelowsies in the minds of the people and Indeed it had in some measure had that effect. Yet to show them what regard he had and ever should have to any applications made to him by that House, So Soon as Mr Mulford should apply to him in a Dutifull manner for what was Desired, for as yet he had apply'd in no manner at all, he would Comply wth what they had Desired of him, and without that he believ'd that ner'e a one of them Could Expect it.

At a Council held at ffort George in New York, ye 22nd of Aug^t, 1716.

PRESENT — *His Excellency* ROB^T HUNTER, Esqr, &c.,

Capt WALTER,
Coll BEEKMAN,
Mr PHILLIPSE,
Mr BYERLEY,
Mr CLARKE,
Dr JOHNSTON.

The Bill Intituled, An Act Nominating Commissioners to ffarm the Excise thro' this Colony was read the Second time and committed to the Gentlemen of this Board or any ffive of them

The Bill Intituled, An Act for the better repairing the ffortifications of ye City of Albany and providing their Military Watches wth ffirewood was read ye Second time and Committed to the Gentlemen of this Board or any ffive of 'em

The Bill Intituled, An Act for Discharging Coll Killian Van Renslaer, Major Dirick Wessells and Meyndert Schuyler Esqr of the City of Albany for and Concerning the provisions, amunitions

and other Stores of Warr formerly in their hands belonging to this Colony, was read the Second Time and Committed to the Gentlemen of this Board or any ffive of them

The Bill Intituled, An Act for Destroying Wolves and ffoxes in the County of Westchester was read ye Second time and Committed to ye Gentlemen of this Board or any ffive of them

At a Council held at Fort George in New York, August ye 24th, 1716.

PRESENT — *His Excellency* ROB^t HUNTER, Esqr, &c.,

Col D'PEYSTER,
Capt WALTER,
Col BEEKMAN,
Mr BARBERIE,
Mr BYERLEY,
Mr CLARKE.

Robert Walter Esqr Chairman of ye Committee to whom was committed the Bill Intituled, An Act for the better repairing the ffortifications of the City of Albany and providing their Military Watches with ffirewood Reported from ye s^d Committee that they have Gone through the s^d Bill without any amendm^t

Ordered, the said Bill be read the third time

Then the said Bill was read the third time and agreed to without any Amendment.

Ordered, that Capt Walter do Acquaint ye Assembly y^t this Board do agree to the said Bill without any Amendment.

Dr Johnston took his place at ye Board.

Jerrard Beekman Esqr Reported from the Committee to whom was Committed the Bill Intituled, An Act for Destroying Wolves and ffoxes in the County of Westchester, that they have gone through the same without any Amendment

Ordered, the said Bill be read the Third Time

Then the said Bill was read the Third Time and agreed to w^thout any Amendment

Ordered, that Coll Beekman do Acquaint the Assembly that this Board do agree to the s^d Bill without any Amendment.

Mr Barberie Esqr reported from the Committee to whom was Committed the Bill Intituled, An Act for Discharging Coll Killian Van Renslaer, Major Dnick Wessells and Meyndert Schuyler Esqr of ye City of Albany for and concerning the provisions, Amunitions and other Stores of War formerly in their hands belonging to this Colony. That they have Gone through ye s^d Bill w^thout any Amendm^t

Ordered, the said Bill be read ye third Time

Then the said Bill was read the third time and agreed to without any Amendm^t

Ordered, that Mr Barberie do acquaint the Assembly that this Board do agree to ye s^d Bill without any Amendment

The Bill Intituled, An Act for Regulating the ffees to be taken by the Justices of the peace and officers under them Authorized to hear and Determin causes and matters of Debt and Trespass to the Value of fforty Shillings and under, pass'd by the Assembly and sent unto this Board for their Concurrence was read the first time and

Ordered to be read a second time.

The Bill Intituled, An Act for paying Johannes Jansen, David Provoost and Leonard Lewis Esq^rs the arrears due to them for their Services in the General Assembly as Representatives for the City and County of New York pass'd by the Assembly and sent up to this Board for their Concurrence, was read the first time and

Ordered to be read a second time.

The Bill Intituled, An Act for allowance to ye Representatives of this Colony pass'd by the Assembly and sent up to this Board for their Concurrence was read ye first time and

Ordered to be read a Second time

At a Council held at ffort George in New York, Augt ye 28th, 1716.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Capt WALTER,
M^r VAN DAM,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY,
Mr CLARKE,
Dr JOHNSTON.

The Bill Intituled, An Act for Regulating ye ffees to be taken by the Justices of ye peace and officers under them authorized to hear and Determin Causes and matters of Debt and Treaspass to the Value of fforty Shillings and under, was read the Second Time and Committed to ye Gent of this Board or any ffive of them.

The Bill Intituled, An Act for the allowance to the Representatives of this Colony, was read the Second time and Committed to ye Gent of this Board or any ffive of them.

The Bill Entituled, An Act for paying Johannes Jansen, David Provoost and Leonard Lewis Esq^rs ye arrears due to them for their Services in the General Assembly as the Representatives for the City and County of New York, was Read the Second time and Committed to the Gentlemen of this Board or any ffive of them

Ordered, that Mr Clarke Desire the Assembly to appoint a Committee of their House to meet a Committee of this Board Tomorrow at six a clock in the Afternoon at ye house of Mr Brasier to Confer about a Method to advance ye Excise of this province.

Ordered, that ye Gentlemen of this Board or any ffive of them be a Committee for that purpose

At a Council held at ffort George in New York, the 30th of August, 1716.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Col D'PEYSTER,
Capt WALTER,
Coll BEEKMAN,
M^r VAN DAM,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY,
Mr CLARKE,
Dr JOHNSTON.

The Bill Intituled, An Act for ye Treasurers paying to his Excellency One Thousand and Twenty ffive Ounces of silver plate sent from the Assembly to this Board for their concurrence, was read the first Time and

Ordered to be read a second time

Coll Depeyster Reported from ye Committee appointed to Conferr wth a Cōmittee of ye Assembly abo^t a Method to advance ye Excise, that they met and had several Debates thereon but came to no resolution to alter the present method

The Bill Intituled, An Act for ye Treasurers paying to his Excellency One Thousand and Twenty ffive ounces of silver plate, was read the Second Time and committed to ye Gentlemen of this Board or any ffive of them.

The Bill Intituled, An Act for appointing an Agent for this Colony at the Court of Great Britain and raising of money Annually to Defray the Charge thereof In the Room of John Champante Esqr Decēd sent from ye Assembly to this Board for their Concurrence, was Read the first time and

Ordered to be read a second time.

Then the said Bill was Read the second time and Committed to ye Gentlemen of this Board or any ffive of them

At a Council held at ffort George in New York, Augt ye 31st, 1716.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Capt WALTER,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY,
Mr CLARKE.

Capt Walter Reported from the Committee to whom was Committed the Bill Intituled, An Act appointing An Agent for this Colony at the Court of Great Britain and raising ye money Annually to Defray the charge thereof in the Room of John Champante Esqr Decēd, That they have Gone through the same without any Amendment.

Ordered, that ye s^d Bill be read the third Time

Then ye s^d Bill was read the third Time

Resolved, the Bill Do pass.

Ordered, that Capt Walter do acquaint the Assembly that this Board do agree to the said Bill w^thout any Amendment

Robt Walter Esqr Reported from the Committee to whom was Committed ye Bill Intitled, An Act for the Treasurers paying to his Excellency One Thousand and Twenty ffive ounces of plate, That they have Gone through ye same without any Amendment

Ordered, that the said Bill be read ye Third time

Then the said Bill was read ye Third time

Resolved, the said Bill do pass

Ordered, that Capt Walter do acquaint ye Assembly that this Board do agree to ye s^d Bill w^thout any amendm^t

At a Council held at ffort George in New York, Augt ye 31st, 1716.

PRESENT — *His Excelly* ROB^t HUNTER, Esqr, &c.,

Coll D'PEYSTER, Mr BARBERIE,
Capt WALTER, Mr PHILLIPSE,
M^r VAN DAM, Mr CLARKE.

Coll D'peyster Reported from ye Cōmittee to whom was Committed the Bill Intituled, An Act nominating Comm^rs to ffarm ye Excise thro' ye Colony That they have Gone through ye same and made some amendm^ts thereto, wch were read & agreed to

Ordered, that the said Bill with ye amendments be read the third time

Resolved, that the Bill wth the amendm^ts do pass.

Ordered, that Coll D'peyster do Carry the said Bill wth ye amendm^ts to the Assembly and acquaint them that this Board do agree to the same wth some amendments to which they Desire ye Concurrence of that House.

The Bill Intituled, An Act to oblige Vessells Trading into this Colony Except such as are therein Excepted to pay a Certain Duty and for the further Explanation and rendring more Effectual Certain Clauses in An Act of General Assembly of this Colony Entituled, An Act by which a Duty is laid on Negros and other Slaves Imported into this Colony, sent from the Assembly to this Board for their Concurrence, was Read the first Time and

Ordered, to be read a Second Time.

The Bill Intituled, An Act to repeal part of An Act of General Assembly Intituled, An Act to prevent the selling or Giving of Rum or other Strong Liquors to the Indians sent from the Assembly to this Board for their Concurrence, was read the first Time and

Ordered to be read a second Time

The Bill Intituled, An Act to oblige Vessels Trading into this Colony Except such as are therein Excepted to pay a Certain Duty and for the further Explanation and rendring more effectual Certain Clauses in An Act of General Assembly of this Colony Entituled, An Act by which a Duty is laid on Negros and other Slaves Imported into this Colony, was Read the second time and Committed to the Gentlemen of this Board or any ffive of them

At a Council held at ffort George in New York, Septem^r ye 1st, 1716.

PRESENT — *His Excellency* ROB^t HUNTER, Esqr, &c.,

Coll D'PEYSTER, Mr PHILLIPSE,
Capt WALTER, Mr BYERLEY,
Coll BEEKMAN, Mr CLARKE,
Mr BARBERIE, Dr JOHNSTON.

Mr Phillipse Reported from the Committee to whom was Committed the Bill Intituled, An Act to Oblige Vessels Trading into this Colony Except such as are therein Excepted to pay a Certain Duty and for the further explanation and rendring more effectual Certain Clauses in An Act of General Assembly of this Colony Intituled, An Act by which a Duty is laid on Negros and other Slaves Imported into this Colony, That they have Gone through the same and made an amendment thereto wch was read and Disagreed to

Ordered, that the Bill be read a third time without any amendment.

Then the said Bill was Read ye third time

Resolved, that the Bill do pass without any amendment.

Ordered, that Mr Phillipse do acquaint the Assembly that this Board do agree to the said Bill without any amendment.

A Message from the Assembly that they agree to the amendments made by this Board to the Bill Entituled, An Act nominating Commissioners to ffarm the Excise through the Colony.

His Excellencey sent the Sēcry to ye Assembly to require their attendance in the Council Chamber who being come, He gave his Assent to ye following Bills vizt.

An Act for Destroying Wolves and ffoxes in the County of West-Chester

An Act for Discharging Coll Killian Van Renslaer, Major Dirick Wessells and Meyndert Schuyler Esqr of the City of Albany for and concerning the provisions, amunitions and other stores of War formerly in their hands belonging to this Colony.

An Act for the Treārs paying to his Excellency One Thousand and Twenty ffive Ounces of Silver plate.

An Act appointing An Agent for this Colony at the Court of Great Britain and raising of Money Annually to Defray the charge thereof in the room of John Champante Esqr Decēd

An Act to Oblige Vessels Trading into this Colony Except such as are therein Excepted to pay a certain Duty and for the further Explanation and rendring more effectual Certain Clauses in An Act of General Assembly of this Colony Intituled, An Act by which a Duty is laid on Negros and other Slaves Imported into this Colony

An Act nominating Com^rs to Let to ffarm the Excise through the Colony.

SEVENTEENTH ASSEMBLY THIRD SESSIONS

At a Councill held at ffort George in New York, 25th *day of Aprill*, 1717.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY,
Mr CLARK.

The Bill Intituled, An Act to prohibitt the Exportaion of Raw Hides from this Colony past by the Assembly and sent up to this Board for their Concurrence, was Read the ffirst time and

Ordered to be Read a second time

At a Councill held at ffort George in New York, the 29th *day of April*, 1717.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Capt WALTER,
Mr PHILLIPSE,
Mr BYERLEY,
Dr JOHNSTON.

The Bill Intituled, An Act to Enable the Mayor Aldermen and Commonalty of the City of New York to Raise the Sūme of ffive Hundred pounds for altering the course of the Common Sewer at the End of the Broad Street and for cleansing and scouring the Dock of the City, passed by the Assembly and sent up to this Board for their Concurrence, was Read the ffirst time and

Ordered to be Read a second time.

At a Council held at ffort George in New York the 1st *day of May*, 1717.

PRESENT — *His Excellencey* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Capt WALTER,
Coll BEEKMAN,
M^r VAN DAM,
Mr PHILLIPSE,
Mr BYERLEY,
Doctor JOHNSTON.

The Bill Intituled, An Act for laying a Duty on Goods sold by Auction or Out cry passed by the Assembly and sent up to this Board for their Concurrence, was Read the first time and

Ordered to be Read a second time

The Bill Intituled, An Act to prohibitt the Exportation of Raw Hides from this Colony, was Read the second time and Committed to the Gentlemen of this Board or any ffive of them

The Bill Intituled, An Act to Enable the Mayor Aldermen and Comonality of the City of New York to Raise to sūme of ffive Hundred pounds for Altering the Course of the Common Sewer at the End of the Broad street and for cleanseing and scouring the Dock of this city, was read the Second time and committed to the Gentlemen of this Board or any ffive of them

The Bill Intituled, An Act for Laying a Duty on Goods sold by Auction or Out cry, was Read the second time and committed to the Gentlemen of this Board or any ffive of them

At a Councill held at ffort George in New York, the 9th day of May, 1717.

PRESENT — *His Excellcy* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Capt WALTER,
Coll BEEKMAN,
Mr PHILLIPSE,
Mr BYERLEY,
Doctor JOHNSTON.

Abraham D'Peyster Esqr Reported from the Cõmittee to whom was cõmitted the Bill Entituled, An Act for Laying a Duty on Goods sold by Auction, Vendue or Out cry, that they have Gone through the same without any amendment

Ordered, the said Bill be Read the Third time

Then the said Bill was Read the Third time and past without any amendment.

Ordered, that Coll D'peyster acquaint the Assembly that this Board Doe agree to the said Bill without any amendment

Mr Van Dam and Mr Barberie took their places at the Board

Abraham D'peyster Esqr Reported from the committee to whom was committed the Bill Intituled, An Act to Enable the Mayor, Aldermen and Commonalty of the City of New York to Raise the sũme of flive Hundred pounds for Altering the Course of the Cõmon Sewer at the End of the Broad street and for cleansing and scowering the Dock of this City, That they have Gone through the said Bill and have made some amendments thereto which he Delivered to the Board and was Read and agreed to by the Board

Ordered, the said Bill with the amendments be Read the third time.

Then the said Bill was Read the third time and passed with the said Amendments

Ordered, that Coll D'peyster Doe Carry the said Bill with the Amendments to the Assembly and acquaint them that this Board doe agree to the said Bill with some amendments, To which they Desire the Concurrence of that House

The Bill Intituled, An Act for the Restraining the takeing of Extravagant and Excessive Usury, passed by the Assembly and sent up to this Board for their Concurrence, was Read the first time and

Ordered to be Read a second time

At a Councill held at ffort George in New York the 11th day of May, 1717.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Capt WALTER,
Coll BEEKMAN,
Mr VAN DAM,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY,
Doctor JOHNSTON.

The Bill Entituled, An Act for the Restraineing the takeing of Extravagant and Excessive Usury was Read the Second time and Committed to the Gentlemen of this Board or any flive of them

Coll D'peyster produceing to this Board an Order of the Generall Assembly of the Seaventh of May Instant appointing a Committee of that House to Examine the payments made by the Treasurer of this Colony according to An Act of Generall Assembly for the paying and Dischargeing the Severall Debts and Sũmes of money claimed as Debts of this Colony &c whereupon It is

Ordered, that the Gentlemen of this Board or any flive of them be and are hereby likewise appointed a Committee to Examine the payments made by the said Treasurer according to the aforesaid Act and that the said Committee meet at the House of Coll D'peyster for that purpose, on Tuesday next at two a Clock in the afternoone; It is also

Ordered, that Mr Wileman the Deputy Clerk of this Board Do Acquaint the Assembly therewith and to Desire them if they think fitt to appoint the said Committee of that house to Joyne the said Committee of this Board at the same time to Examine the said Treasurers accounts as aforesaid

At a Council held at ffort George in New York, the ffourteenth day of May, 1717.

PRESENT — *His Excell^y* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Capt WALTER,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY,
Mr CLARKE,
Doctor JOHNSTON.

A Message from the Assembly by Alderman Jansen Returning to this Board the Bill Entituled, An Act to Enable the Mayor Aldermen and Commonality of the City of New York to Raise the Sūme of ffive Hundred pounds for Altering the course of the Common Sewer at the End of the Broad street and for Cleanseing and Scowering the Dock of this City, and Acquainting this Board that that house do agree to the Amendment made by this Board to the Said Bill

The Bill Entituled, An Act to Enable Mary the Widdow and Executrix of John Corbett Deceased to Convey and Assure a certaine Dwelling and Tenement and the Ground thereunto belonging scituate and being on the West side of the Broad Street in the City of New York passed by the Assembly and sent up to this Board for their Concurrence, was Read the first time and

Ordered to be read a Second time.

The Bill Entituled, An Act Declareing a Sloop belonging to Mr Jacob Moene free from Tonnage, sent by the Assembly to this Board for their Concurrence was Read the first time and

Ordered, to be read a Second time.

His Excellencey haveing sent the Secretary to the Assembly to Require their attendance Immediately at the Councill Room and they being come, his Excellencey gave his assent to the following Bills Enacting the same and ordered them to be Enrolled vizt

An Act for Laying a Duty upon Goods sold by Auction, Vendue or Out Cry

An Act to Enable the Mayor Aldermen and Commonality of the City of New York to Raise the Sūme of ffive Hundred pounds for Altering the Course of the Common Sewer at the End of the Broad Street and for cleanseing and scowering the Dock of this City.

At a Councill held at ffort George in New York, the 16th *day of May*, 1717.

PRESENT — *His Excell^y* ROBERT HUNTER, Esqr, &c.,

Capt WALTER,
M^r VAN DAM,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY,
Mr CLARKE.

Mr Byerley Reported from the Committee to whom was Committed the Bill Entituled, An Act for Restraining the taking Extravagant and Excessive Usury, that they have Gone through the same without any Amendment

Ordered, the said Bill to be Read the third time

Then the said Bill was Read the third time.

Resolved, that the said Bill Do pass without any Amendment.

Mr Phillipse Desired his Dissent to it may be Entred

Coll D'Peyster took his place

The Bill Entituled, An Act Declareing a Sloop belonging to Jacob Moene free from Tonnage was Read the second time and Committed to the Gentlemen of this Board or any ffive of them.

The Bill Entituled, An Act Declaring a Sloop called *The Good Intent* Built at New port in Rhode Island Belonging to Messieurs Benjamin ffanevevill, Themas Bayeux and Andrew ffresneau and David Minvielle free from the Duty of Tonnage, was Read the second time and Committed to the Gentlemen of this Board or any ffive of them.

The Bill Entituled, An Act to Enable Mary the Widow & Executrix of John Corbet Deceased to Convey and Assure a certain Dwelling House and Tenement and the Ground thereunto Belonging scituate and being on the West side of the Broad Street in the City of New York, was Read the second time and Committed to the Gentlemen of this Board or any ffive of them.

Ordered, that publick Notice be Given to the Respective Counties that the said Bill is past the Councill Assembly but that to prevent the Inhabitants of the province from falling under the penalties thro' Inadvertency, his Excellencey Deferrs the publication of it till the begining of July.*

* This Order appears to have Reference to the Act against Usury, passed this day, and assented to 27 May 1717. See *post*, p. 411.

At a Councill held at ffort George in New York, the 21 *day of May,* 1717.

PRESENT — *His Excell^y* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Capt WALTER,
Coll BEEKMAN,
Mr BARBERIE,
Mr BYERLEY,

The Bill Intituled, An Act for Building a County house and prison in Dutches County passed by the Assembly and sent up to this Board for their Concurrence was Read a first time and
Ordered to be read a second time

At a Councill held at ffort George in New York, the 23^d *of May,* 1717.

PRESENT — *His Excell^y* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Coll BEEKMAN,
Mr BARBERIE,
Mr BYERLEY,
Mr CLARKE,
Dr JOHNSTON.

Mr Clarke presented to this Board a Bill Entituled, An Act Reviving An Act Entituled, An Act for the better settling the Militia of this province and making it more usefull for the security and Defence thereof and for Repealing all former acts heretofore made in this province Relating to the same.

Ordered, that the said Bill be Read the first time

Then the said Bill was Read the first time and

Ordered, to be Read a second time

Mr Van Dam took his place

The Bill Entituled, An Act for an allowance to the Representative of the Township of Schonectady in the County of Albany sent from the Assembly to this Board for their Concurrence was Read the ffirst time and

Ordered, to be Read a second time

The Bill Entituled, An Act for annexing that part of the Mannar of Livingston which now lyes in Dutches County unto the County of Albany sent by the Assembly to this Board for their Concurrence was Read the first time and

Ordered, to be Read a second time.

Coll Beekman Reported from the Committee to whom was Committed the Bill Entituled, An Act Declareing a sloop belonging to Mr Jacob Moene ffree from Tonnage, that they have Gone through the same and made an amendment thereto which was Read and agreed to by the Board

Ordered, that the said Bill be Read a third time with the amendment

Then the said Bill was read a third time with the amendment

Resolved, that the said Bill with the amendment Do pass.

Ordered, that Coll Beekman Doe Carry the said Bill with the amendment to the Assembly and acquaint them that this Board Do agree to the said Bill with an amendment to which they Desire the Concurrence of that House.

Coll Beekman Reported from the Committee to whom was Committed the Bill Entituled, An Act to Enable Mary the Widdow and Executrix of John Corbet Deceased to Convey and assure a Certain Tenement & Dwelling House and ye Ground thereunto belonging scituate and being on the West side of the Broad Street in the City of New York, that they have Gone through the same without any amendm^t

Ordered, that the said Bill be Read the third time

Then the said Bill was Read the third time without any amendment

Ordered, that Coll Beekman do acquaint the Assembly that this Board Do Agree to the said Bill without any amendment

Mr Barberie Reported from the Committee to whom was Committed the Bill Entituled, An Act Declaring a sloop called *the Good Intent* Built at New port in Rhode Island belonging to Messrs Benjamin ffannevil, Thos Bayeux, Andrew ffresneau and David Miniviell free from the Duty of Tonnage, that they have Gone through the same without any amendment.

Then an amendment was proposed by Mr Clarke to be made to the said Bill which was agreed to by this Board and is as followes vizt At the End of the Bill Incert these words [During such time only as property of the said Sloop Doth or shall actually and bona fide belong to the Inhabitants of this province.

Ordered, that the said Bill be Read a third time with that amendment.

Then the said Bill was Read the third time and past with the said amendment.

Ordered. that Mr Barberie Do Carry the said Bill to the Assembly and acquaint them that this Board Do agree to the said Bill with an amendment to Which they desire the Concurrence of that House.

The Bill Entituled, An Act for Building a County House and prison in Dutches County was Read the Second time and Committed to the Gentlemen of this Board or any ffive of them.

The Bill Entituled, An Act for Exempting the pink *Charlott* from paying the Duty of Tonnage sent by the Assembly to this Board for their Concurrence, was Read the first time and

Ordered to be Read a Second time

The Bill Entituled, An Act Reviving An Act Entituled, An Act for Encouraging the Indian Trade at Albany, sent by the Assembly to this Board for their Concurrence was Read the first time and

Ordered to be Read a Second time

The Bill Entituled, An Act Reviving An Act Entituled, An Act for the better Settling the Militia of this province and makeing it more usefull for the security and Defence thereof and for Repealing all former Acts heretofore made in this province Relating to the same, was Read the Second time and Committed to the Gentlemen of this Board or any ffive of them

The Bill Entituled, An Act for an Allowance to the Representative of the Township of Schoaretady in the County of Albany, was Read the Second time and Cõmitted to the Gentlem of the Councill or any five of them

The Bill Entituled, An Act for Annexing that part of the Mannor of Livingston which now Lyes in Dutches County unto the County of Albany was Read the Second time and Committed to the Gentlemen of this Board or any ffive of them

The Bill Entituled, An Act for Exempting the pink *Charlott* from paying the Duty of Tonnage was Read the Second time and Committed to the Gentlemen of this Board or any ffive of them

The Bill Entituled, An Act Reviving the Act Entituled, An Act for Encouraging the Indian Trade, was Read a Second time and Committed to the Gentlemen of this Board or any ffive of them.

At a Councill held at ffort George in New York, the 23 *day of May*, 1717, att noon.

PRESENT — *His Excellv* Robt HUNTER, Esqr, &c.,

Col D'PEYSTER,	Mr BYERLEY,
Coll BEEKMAN,	Mr CLARKE,
Mr VAN DAM,	Dr JOHNSTON.
Mr BARBERIE,	

Mr Barberie Reported from the Cõmittee to whom was Committed the Bill Entituled, An Act Reviving An Act Entituled, An Act for the better settling the Militia of this province and making it the more usefull for the security and Defence thereof and for Repealing all former Acts heretofore made in this province Relateing to the same, without any Amendment.

Then the said Bill was read the third time and past

Ordered, that Mr Barberie do carry the said Bill to the Assembly and Desire their Concurrence thereto

At a Council held at ffort George in New York, the 24th *day of May*, 1717.

PRESENT — *His Excellv* Robt HUNTER, Esqr, &c.,

Coll D'PEYSTER,	Mr PHILLIPSE,
Capt WALTER,	Mr BYERLEY,
Coll BEEKMAN,	Mr CLARKE,
Mr BARBERIE,	Dr JOHNSTON.

Coll D'Peyster Reported from the Committee to whom was Committed the Bill Entituled, An Act for Annexing that part of the Mannor of Livingston which now Lyes in Dutches County unto the County of Albany, that they have gone through the same without any Amendment

Ordered, that the said Bill be read the third time.

Then the said bill was read the third time and past without any Amendment.

Ordered, that Coll D'peyster do Acquaint the Assembly that this Board Do Agree to the Said Bill without Any Amendment.

Coll D'Peyster Reported from the Committee to whom was Committed the Bill Entituled, An Act Reviving An Act Intituled, An Act for Encouraging the Indian Trade at Albany that they have Gone through the Same without Any Amendment

Ordered, that the Said Bill be Read the third time

Then the Said Bill was Read the third time and past without any Amendment

Ordered, that Coll D'Peyster Acquaint the Assembly that this Board Do agree to the Said Bill without any amendment

Capt Walter Reported from the Committee to whom was Committed the Bill Entituled, An Act for Exempting the pink *Charlott* from paying the Duty of Tonnage, that they have Gone through the Same without any Amendment

Ordered, that the Said Bill be Read the third time.

Then the Said Bill was Read the third time and past without any Amendment.

Ordered, that Capt Walter Do Acquaint the Assembly that this Board Do Agree to the Said Bill without Any Amendment

Capt Walter Reported from the Committee to whom was Committed the Bill Entituled, An Act for Building a County House and prison in Dutches County, that they have Gone through the Same without any Amendment

Ordered, that the Said Bill be Read the third time

Then the Said Bill was Read the third time and past without any Amendment

Ordered. that Capt Walter Do Acquaint the Assembly that this Board Do Agree to the Said Bill without Any Amendment

The Bill Entituled, An Act to Encourage the Destroying of ffoxes and Wild Catts in Kings County, Queens County and County of Suffolk sent from the Assembly to this Board for their Concurrence, was Read the ffirst time and

Ordered to be Read a Second time

A Message from the Assembly by Coll Willet that they Agree to the Amendment made by this Board to the Bill Entituled, An Act Declaring a Sloop belonging to Mr Jacob Moene free from Tonnage

A Message from the Assembly by Alderman Kip that they Agree to the Amendment made by this Board to the Bill Entituled, An Act Declaring the Sloop Call'd *the Good Intent* Built at New port in Rhode Island belonging to Messrs Benjamin flannevil, Thomas Bayeux, Andrew ffresneau and David Minviel free from the Duty of Tonnage

At a Councill held at ffort George in New York, the 27th *Day of May*, 1717.

PRESENT — *His Excell* ROBt HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Capt WALTER,
Coll BEEKMAN,
Mr VAN DAM,
Mr BARBERIE,
Mr PHILLIPSE,
Doctor JOHNSTON.

The Bill Entituled, An Act to Clear a Sloop upon the Stocks in the province of New Jersey belonging to Coll John Johnston from the Duty of Tonnage, passed by the Assembly and Sent up to this Board for their Concurrence was Read the ffirst time and

Ordered to be Read a Second time

The Bill Intituled, An Act to Clear a Sloop upon the Stocks in the province of New Jersey belonging to Coll John Johnston from the Duty of Tonnage, passed by the Assembly and Sent up to this Board. for their Concurrence was Read the Second time and Committed to the Gentlemen of this Board or any ffive of them

At a Council held at ffort George in New York, the 27th *Day of May*, 1717.

At Noone

PRESENT — *His Excellv* ROBt HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Capt WALTER,
Coll BEEKMAN,
Mr VAN DAM,
Mr BARBERIE,
Mr PHILLIPSE,
Doctor JOHNSTON.

Coll Beekman Reported from the Cõmittee to whom was Committed the Bill Entituled, An Act to clear a Sloop upon the Stocks in the province of New Jersey belonging to Coll John Johnston from the Duty of Tonnage, that they have Gone through the said Bill without any Amendment.

Ordered, the said Bill be Read the third time

Then the said Bill was Read the third time and passed without any Amendment

Ordered, that Coll Beekman do acquaint the Assembly that this Board Do Agree to the said Bill without any Amendment

At a Council held at ffort George in New York, the 27 *Day of May*, 1717.
In the Afternoon

PRESENT — *His Excell^y* ROB^t HUNTER, Esqr, &c.,

Col D'PEYSTER,
Capt^t WALTER,
Coll BEEKMAN,
M^r VAN DAM,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY,
Doctor JOHNSTON.

His Excellency haveing sent the Deputy Secretary to Require the Attendance of the Assembly at the Council Chamber Immediately and they being Come His Excelly gave his Assent to the ffollowing Bills Enacting the same and ordered them to be Enrolled vizt

An Act for the Restraineing the takeing of Extravagant and Excessive Usury

An Act to Enable Mary the Widdow and Executrix of John Corbett Deceased to Convey and Assure a certaine Dwelling House and Tenement and the Ground thereunto belonging scituate and being on the West side of the Broad Street in the City of New York

An Act Declareing a Sloop now upon the Stocks in the Colony of Connecticutt belonging to Mr Jacob Moene free from the Duty of Tonnage.

An Act Declaring the Sloop called *the Good Intent* Built at New port in Rhode Island belonging to Messrs Benjamin ffanneill, Thomas Bayeux, Andrew ffresneau and David Minivielle free from the Duty of Tonnage

An Act for Building a County House and prison in Dutches County

An Act for Annexing that part of the Mannor of Livingston which now Lyes in Dutches County unto the County of Albany

An Act Reviveing An Act Entituled, for the better Settling the Militia of this province and makeing it more us-full for the security and Defence thereof and for Repealing all former Acts heretofore made in this province Relateing to the same

An Act Reviveing An Act Entituled, An Act for Encourageing the Indian Trade att Albany.

An Act for Exempting the Pinke *Charlotte* from paying the Duty of Tonnage

An Act to clear a Sloop upon the Stocks in the province of New Jersey belonging to Coll John Johnston from the Duty of Tonnage.

And then his Excell^y went with the Council and Assembly to the City Hall and published all the Aforesaid Bills Except the Bill Entituled, An Act for the Restraining the taking of Extravagant and Excessive Usury which his Excell^y thought fitt to Deferr the publication for some time

SEVENTEENTH ASSEMBLY FOURTH SESSIONS

At a Councill held at ffort George in New York, this 5th *Day of September*, 1717.

PRESENT — *His Excell^y* ROB^t HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Capt WALTER,
Coll BEEKMAN,
Mr BARBERIE,
Mr CLARKE.

The Bill Entituled, An Act Exempting the Sloop *Mary and Hannah* from paying the Duty of Tonnage, sent from the Assembly to this Board for their Concurrence was Read the first time and

Ordered to be Read a Second time

Mr Phillipse and Doctor Johnston took their places

Upon Reading the petition of Sam: the Late Negroe Slave of George Norton Deceased concerning his ffreedom,*

It is Recommended to the Gentlem of this Board or any five of them to prepare and bring in a Bill for the Explaining and Rendring more effectual the Act of Assembly Relating to the Regulation of Negroes.

At a Councill held at ffort George in New York, the 16th *Day of Sepr*, 1717.

PRESENT — *His Excellv* ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,	Mr PHILLIPSE,
Capt WALTER,	Mr BYERLEY,
Coll BEEKMAN,	Doctor JOHNSTON.

The Bill Intituled, An Act for Exempting the Sloop *Mary and Hannah* from paying the Duty of Tonnage was Read the Second time and Committed to the Gentlemen of this Board or any ffive of them

The Bill Entituled An Act for Exempting the Snow or vessell called *the Leghorn* from paying the Duty of Tonnage, passed by the Assembly and sent up to this Board for their Concurrence, was Read the first time and

Ordered, to be Read a Second time

The Bill Entituled, An Act for Exempting the Snow or Vessell called *the Leghorn* from paying the Duty of Tonnage was Read the Second time and committed to the Gentlemen of this Board or any ffive of them

At a Councill held at ffort George in New York, the 26th *Day of Sepr*, 1717.

PRESENT — *His Excellv* ROBt HUNTER, Esqr, &c.,

Capt WALTER,	Mr PHILLIPSE,
Coll BEEKMAN,	Mr BYERLEY.
Mr BARBERIE,	

Capt Walter for Coll D'peyster Reported from the Committee to whom was committed the Bill Entituled, An Act Exempting the Snow or Vessell Called *the Leghorne* from paying the Duty of Tonnage That they have gone through the Same without any Amendment

Ordered, the Said Bill be Read the Third time

Then the Said Bill was Read the Third time and past without any amendment

Ordered, that Capt Walter do Acquaint the Assembly that this Board do agree to the Said Bill without any Amendment

Coll D'Peyster and Mr Van Dam took their places at the Board

Gerrardus Beekman Reported from the Committee to whom was Committed the Bill Entituled, An Act Exempting the Sloop *Mary and Hannah* from paying the Duty of Tonnage that they have Gone through the Same without any amendment

Ordered, the Said Bill be Read the Third time

Then the Said Bill was Read the Third time and Agreed to by this Board without any Amendment

* *To His Excellency* ROBERT HUNTER Esqr *Captain General and Governour in Chief of the Province of* New York, New Jersey *and Territories depending thereon in* America *and Vice Admiral of the same &c*

The Humble Petition of Sam the late negro Slave of George Norton Deceased.

Most humbly Sheweth

That George Norton in his Life Time by his last Will and Testament in Writing, gave to your poor Petitioner his Freedom from Slavery, and Thirty Pounds in money as also one negro man named Robin; But so it is, May it Please your Excellency That Mr Ebenezer Willson the Executor of George Norton Deceased will neither pay your poor Petitioner the Thirty Pounds nor let him have sd negro Robin, althô he has not (as your Excellencys Petitioner is Inform'd) Inventary'd sd negro Robin as part of sd George Nortons Estate. And yet in the Winter when sd negro wants Cloaths he is forced to come to your poor Petitioner for a Supply. And so also when he is sick or Lame he has come to your sd Petitioner several Times and lain upon him for a month at a time. But so soon as he is well and able to work Mr Wilson takes him away and Imploys him in his own Service.

Wherefore your Poor Petitioner humbly pray That your Excellency wou'd be favourably pleased to take his Suffering Case into your Consideration and find out some way (as in your great Wisdom you shall see meet) to induce said Executor to do Right and Justice to your poor Petitioner in the Case set forth. And your Poor Petitioner as in Duty bound shall ever pray.

New York
Sept. 5, 1717

SAM his ✕ mark.

N. Y. Col. Manuscripts, LX, 172.

Ordered, that Coll Beekman do Acquaint the Assembly that this Board doe Agree to the Said Bill without any Amendment

The Bill Entituled, An Act for Explaineing and Rendring more Effectuall An Act of the Generall Assembly of this Colony Entituled, An Act for preventing, Suppressing and punishing the Conspiracy and Insurrection of Negroes and other Slaves, was Read the first time and

Ordered to be Read a Second time

At a Councill held at ffort George in New York, the 10th *Day of October*, 1717.

PRESENT — *His Excell*y ROBt HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Capt WALTER,
Coll BEEKMAN,
Mr BARBERIE,
Doctor JOHNSTON.

The Bill Intituled, An Act for Explaineing and Rendring more Effectual An Act of the Generall Assembly of this Colony Entituled, An Act for preventing Suppressing and punishing the Conspiracey and Insurrection of Negroes and other Slaves, was Read the Second time and

Ordered to be Read a Third time

At a Councill held at ffort George in New York, the 12th *Day of October*, 1717.

PRESENT — *His Excell*y ROBt HUNTER, Esqr, &c.,

Coll SCHUYLER,
Coll D'PEYSTER,
Capt WALTER,
Coll BEEKMAN,
Mr BARBERIE,
Mr BYERLEY,
Doctor JOHNSTON.

The Bill Intituled, An Act for Annulling and makeing Void a ffraudulent Conveyance of Mary Davenport made by her when she was Sole by the Name of Mary Miseroel to one James Brown, of Certaine Lands Goods and Chattells late belonging to John Miseroel her former husband Deceased, passed by the Assembly and Sent up to this Board for their Concurrence, was Read the first time and

Ordered to be Read a Second time

The Bill Intituled, An Act for Explaineing and Rendring more Effectual An Act of the Generall Assembly of this Colony Intituled, An Act for preventing suppressing and punishing the Conspiracey of Negroes and other Slaves, was Read the Third time and agreed to by this Board

Resolved, the Bill doe pass

Ordered, that Coll Schuyler doe carry the said Bill to the Assembly for their Concurrence

At a Councill held at ffort George in New York, the 17th *Day of October*, 1717.

PRESENT — *His Excell*y ROBt HUNTER, Esqr, &c.,

Coll SCHUYLER,
Coll D'PEYSTER,
Capt WALTER,
Coll BEEKMAN,
Mr VAN DAM,
Mr BARBERIE,
Mr BYERLEY,
Doctor JOHNSTON.

The Bill Intituled, An Act to Invest the property of a certaine Dwelling house and Ground thereunto belonging in the City of New York in Daniel and Christopher the Sons of Daniel Robert Deceased, passed by the Assembly and Sent up to this Board for their Concurrence, was Read the first time and

Ordered to be read a second time.

Coll Schuyler Reported from the Committee to whom was Committed the Bill Intituled, An Act for paying Johannes Jansen, David provoost and Leonard Lewis Esqrs the Arrears Due to them for their services in the Generall Assembly as Representatives for the City and County of New York, that they have Gone through the same and have made severall Amendments thereto which were Read and agreed to by this Board

Ordered, the said Bill with the Amendments be Read the Third time

Then the said Bill with the Amendments was Read the Third time and past with the said Amendmts

Ordered, that Coll Schuyler do carry the said Bill with the Amendments to the Assembly and Acquaint them that this Board do agree to the said Bill with severall Amendments to which they Desire the Concurrence of that house.

Coll Schuyler Reported from the Committee to whom was Committed the Bill Intituled, An Act for an Allowance to the Representative of the Township of Schenectady in the County of Albany, That they have Gone through the same and have made an Amendment thereto which was Read and Agreed to by the Board

Ordered, the said Bill with the Amendment be Read the Third time

Then the said Bill with the Amendment was Read the Third time and past with the said Amendment

Ordered, that Coll Schuyler do carry the said Bill to the Assembly and acquaint them that this Board do Agree to the said Bill with an Amendment to which they Desire the concurrence of that house.

A Message from the Assembly by Mr Livingston that the Assembly Desire his Excellencey will appoint a Committee of this Board to meet a Committee of the Assembly on a Conferrence in Relation to the Debts of the Government. Whereupon It is

Ordered, that the Gentlemen of this Board or any ffive of them be a Committee to meet the said Committee of the Assembly on the said Conference at the house of Mr Macklenan at five of the Clock this Evening

The Bill Intituled, An Act for Annulling and makeing void a ffraudulent Conveyance of Mary Davenport made by her while she was sole by the name of Mary Miseroel to one James Brown of certaine Lands Goods and Chattells late belonging to John Miseroel her former husband Deceased

Ordered, to be Read a second time the next Councill.

At a Councill held at ffort George in New York, the 21th *Day of October*, 1717.

PRESENT — *His Excellcy* Robt HUNTER, Esqr, &c.,

Coll SCHUYLER,	Mr BARBERIE,
Capt WALTER,	Mr BYERLEY,
Coll BEEKMAN,	Doctor JOHNSTON.

Coll D'peyster took his place at the Board

His Excellencey Communicated to this Board an Address of the Generall Assembly of New York in Relation to a paper Entituled, *A Memorial of Severall Agreivances and Oppressions of his Majesties Subjects in the Colony of New York in America.*

Whereupon It is Referred to the Gentlemen of this Board or any ffive of them to consider of the said Memorial and Address and in what manner it will be proper to Joyne with the Assembly (according to their Desire in the said Address) in direction and Instructions to the Agent to find out the offender and make application to his Majesties Ministers in order to his being brought to Justice

The petition of David Jamison Esqr Commr for Executeing the Office of Attorney Generall of the province of New York, praying this Board to Recommend his Case to the consideration of the Generall Assembly for a Recompence for his Services, being Read,

This Board thereupon Recommends the said petition to the consideration of the Generall Assembly to make such Recompence to the petitioner as they shall Judge Reasonable

The Bill Intituled, A Act for paying the Executors of Thomas Codrington Esqr the Arrears due for his Service in Generall Assembly from the ffourteenth of June Seaventeen hundred and five till the Twenty Seaventh Day of September Seaventeen hundred and eight, passed by the Generall Assembly and sent up to this Board for their Concurrence was Read the first time and

Ordered to be read a Second time.

The Bill Intituled, An Act to Invest the property of a certaine Dwelling house and Ground thereunto belonging in the City of New York in Daniel and Christopher the Sons of Daniel Robert Deceased, was Read the Second time and committed to the Gentlemen of this Board or any ffive of them

The Bill Intituled, An Act for Annulling and makeing voyd a fraudulent Conveyance of Mary Davenport made by her while she was sole by the name of Mary Miseroel to one James Brown of certain Land Goods and chattles late belonging to John Miseroel her former husband Deceased, was Read a Second time and Committed to the Gentlemen of this Board or any ffive of them

At a Councill held at ffort George in New York, the 24th Day of October, 1717.

PRESENT — *His Excell^y* ROB^t HUNTER, Esqr, &c.,

Coll SCHUYLER,
Coll D'PEYSTER,
Capt WALTER,
Coll BEEKMAN,
Mr BARBERIE,
Mr BYERLEY,
Doctor JOHNSTON.

A Message from the Assembly by Mr Cuyler with the Bill Intituled, An Act for an allowance to the Representative of the Township of Schenectade in the County of Albany, to Acquaint this Board that that house do agree to the Amendments made by this Board to the said Bill and also that that house have made another amendment to the said Bill and Desire the Concurrence of this Board thereto

Ordered, the said Bill with the said Amendment made thereto by the Assembly be Read, which was Read and agreed to by this Board

Ordered, that Coll Schuyler doe Acquaint the Assembly that this Board do agree to the said Amendm^t made by that house to the said Bill.

The Bill Entituled, An Act for paying the Executors of Thomas Codrington Esqr the Arrears Due for his services in the Generall Assembly from the ffourteenth of June seaventeen hundred and ffive to the twenty seaventh of September seaventeen hundred and Eight was Read the Second time and Committed.

At a Councill held at ffort George in New York, the 26th Day of October, 1717.

PRESENT — *His Excell^y* ROBERT HUNTER, Esqr, &c.,

Coll SCHUYLER,
Coll DEPEYSTER,
Capt WALTER,
Coll BEEKMAN,
M^r VAN DAM,
Doctor JOHNSTON.

The Bill Entituled, An Act for Regulating the fferry between the City of New York and the Island Nassaw, passed by the Assembly and sent up to this Board for their Concurrence, was Read the first time and

Ordered to be Read a Second Time

John Johnston Esqr Reported from the Committee to whom was Committed the Bill Intituled, An Act for paying the Executors of Thomas Codrington Esqr the Arrears due for his service in the Generall Assembly from the ffourteenth of June Seventeen hundred and ffive till the Twenty seaventh Day of September Seaventeen hundred and eight, That they have Gone through the said Bill and made severall Amendments thereto which were Read and agreed to by the Board

Ordered, the said Bill with the Amendments be Read a Third time

Then the said Bill with the Amendments was Read the Third time and past with the said Amendments

Ordered, that Doctor Johnston do Carry the said Bill with the Amendments to the Assembly and Acquaint them that this Board Do Agree to the said Bill with some Amendments to which they Desire the Concurrence of that house.

A Message from the Assembly by Mr Carrell Hansen with the Bill Intituled, An Act for paying Johannes Jansen, David provoost and Leonard Lewis Esq^rs the Arrears Due to them for their services in the Generall Assembly as Representatives for the City and County of New York acquainting this Board that that house do agree to the Amendment made by this Board to the said Bill

At a Councill held at ffort George in New York, the 30th Day of October, 1717.

PRESENT — *His Excell^y* ROBERT HUNTER, Esqr, &c.,

Coll SCHUYLER,
Coll D'PEYSTER,
Capt WALTER,
Coll BEEKMAN,
Mr BARBERIE,
Mr BYERLEY,
Doctor JOHNSTON.

A Message from the Assembly by Capt Lewis that that house do agree to the Bill Intituled, An Act for Explaineing and Rendring more Effectual An Act of the Generall Assembly of this Colony Entituled, An Act for preventing, suppressing and punishing the Conspiracey and

Insurrection of Negroes and other Slaves, passed by this Board and sent up to the Assembly for their concurrence without any Amendment

Mr Van Dam took his place at the Board

Ordered, that the Deputy Secretary Acquaint the Assembly that this Board Desires that house will take into their consideration the Message formerly sent by this Board to that house Relateing to the Appointing proper persons for the Division Line betweene this Colony and the province of New Jersey, His Excellv being Assured that the Legislature of the said province of New Jersey will bear halfe the Expense thereof

The Bill Intituled, An Act for Regulating the fferry between the City of New York and the Island Nassaw was Read the Second time and Committed to the Gentlemen of this Board or any ffive of them

At a Councill held at ffort George in New York, the 31 *Day of October*, 1717.

PRESENT — *His Excellv* Robt HUNTER, Esqr, &c.,

Coll SCHUYLER,
Coll D'PEYSTER,
Coll BEEKMAN,
Mr VAN DAM,
Mr BARBERIE,
Mr BYERLEY,
Doctor JOHNSTON.

John Johnston Esqr Reported from the Committee to whom was Committed the Bill Intituled, An Act for Regulateing the fferry between the City of New York and the Island Nassaw, That they have Gone through the Same Bill and have made Severall Amendments thereto which he Delivered in to this Board

Ordered, the said Bill with the Amendment be Read the Third time

Then the Said Bill with the Amendments was Read the Third time and past with the Said Amendments

Ordered, that Doctor Johnston do carry the Said Bill with the Amendments to the Assembly and Acquaint them that this Board do Agree to the Said Bill with Some Amendments to which they Desire the Concurrence of that house

At a Councill held at ffort George in New York, the first Day of Novr, 1717.

PRESENT — *His Excellv* Robt HUNTER, Esqr, &c.,

Coll SCHUYLER,
Coll D'PEYSTER,
Coll BEEKMAN,
Mr BARBERIE,
Mr BYERLEY,
Mr CLARKE,
Doctor JOHNSTON.

A Message from the Assembly by Alderman Jansen with the Bill Entituled, An Act for Regulating the fferry between the City of New York and the Island Nassaw, Acquainting this Board that that house do agree to the Amendments made by this Board to the Said Bill

The Bill Intituled, An Act to Encourage the Destroying ffoxes and Wild Catts in Kings County, Queens County and County of Suffolk, was Read the Second time and Committed to the Gentlemen of this Board or any ffive of them

At a Councill held at ffort George in New York, the first Day of Novr, 1717.

PRESENT — *His Excellv* ROBERT HUNTER, Esqr, &c.,

Coll SCHUYLER,
Coll D'PEYSTER,
Coll BEEKMAN,
Mr BYERLEY,
Mr CLARKE,
Doctor JOHNSTON.

Coll D'peyster Reported from the Committee to whom was Committed the Bill Intituled, An Act to Encourage the Destroying of ffoxes and Wild Catts in Kings County, Queens County and County of Suffolk, That they have Gone through the Same without any Amendment

Ordered, the Said Bill be Read the Third time

Then the Said Bill was Read the Third time and passed without any Amendment

Ordered, that Coll D'peyster do Acquaint the Assembly that this Board doe Agree to the Said Bill without any Amendment

A Message from the Assembly with the Bill Intituled, An Act for paying the Executors of Thomas Codrington Esqr the Arrears Due for his service in Generall Assembly from the ffourteenth of June Seaventeen hundred and ffive till the Twenty Seaventh Day of September seaventeen hundred and Eight acquainting this Board that that house doe Agree to the Amendments made by this Board to the said Bill

*At a Councill held at ffort George in New York, the Second Day of Nov^r^*, 1717

PRESENT — *His Excell^y^* ROB^t^ HUNTER, Esqr, &c.,

Coll SCHUYLER,
Coll D'PEYSTER,
Capt WALTER,
Coll BEEKMAN,
M^r^ VAN DAM,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY,
Doctor JOHNSTON.

The Report of the Committee appointed to Consider of the paper Intituled, *A Memorial of severall Agrievances and Oppressions of his Majesties subjects of the Colony of New York in America*, as also of An Address of the Generall Assembly of New York in Relation to the said Memorial, was Read and Agreed to by the Board

His Excellencey haveing sent the Deputy Clerk of the Councill to the Assembly to Require their Attendance immediately in the Councill Chamber, and the Assembly being come his Excellencey Gave his Assent to the following bills Enacting the same and ordered them to be Enrolled vizt

An Act Exempting the Snow or vessell called *the Leghorn* from paying the Duty of Tonnage

An Act Exempting the Sloop *Mary and Hannah* from paying the Duty of Tonnage

An Act for Explaineing and Rendring more Effectual An Act of the Generall Assembly of this Colony Entituled, An Act for preventing, suppressing and punishing the Conspiracey and Insurrection of Negroes and other Slaves

An Act for paying Johannes Jansen, David Provoost and Leonard Lewis Esq^rs^ the Arrears due to them for their services in the Generall Assembly as Representatives for the City and County of New York.

An Act for an Allowance for the Representative of the Township Schenectadie in the County of Albany

An Act for Regulateing the fferry between the City of New York and the Island Nassaw

An Act for paying the Executors of Thomas Codrington, Esqr the Arrears Due for his service in the Generall Assembly from the ffourteenth of June Seventeen hundred and ffive till the seaventh Day of September Seaventeen hundred and Eight

An Act to Encourage the Destroying of ffoxes and Wild Catts in Kings County, Queens County and County of Suffolk

And then his Excellencey went with the Councill and Assembly to the City Hall and published the said Acts, as also

The Act for the Restraining the takeing of Extravagant and Excessive Usury which was assented to by his Excellencey on the Twenty seaventh Day of May last, but Deferred publishing untill now.*

At a Councill held at ffort George in New York, the Seaventh Day of November, 1717.

PRESENT — *His Excell^y^* ROB^t^ HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Coll BEEKMAN,
M^r^ VAN DAM,
Mr BARBERIE,
Mr BYERLEY,
Doctor JOHNSTON.

The Bill Intituled, An Act for Letting to ffarme the Excise of this Colony for the Terme of ffive years and to Enable the ffarmers thereof Effectually to Collect the same passed by the Assembly and sent up to this Board for their Concurrence was Read the first time and

Ordered to be Read a Second time

Gerrardus Beekman Esqr Reported from the Committee to whom was Committed the Bill Intituled, An Act for Annulling and making voyd a ffraudulent Conveyance of Mary Davenport made by her while she was Sole by the name of Mary Miseroel to one James Brown of Certain Lands, Goods and Chattles late belonging to John Miseroel her former husband Deceased That

* The reference, in the note, on page 407, to this page, ought to be 417, *not* 411.

they have Gone through the Bill and having heard the parties thereupon are humbly of opinion that the Said Bill do Lye upon the Table

Whereupon It is the opinion of this Board that the Said Bill do Lye upon the Table

The Bill Intituled, An Act for Letting to ffarme the Excise of this Colony for the Terme of ffive years and to Enable the ffarmers thereof Effectually to Collect the Same was Read the Second time and Committed to the Gentlemen of this Board or any ffive of them

At a Councill held at ffort George in New York, the Eighth Day of November, 1717.

PRESENT — *His Excell^y* ROB^t HUNTER, Esqr, &c.,

Coll D'PEYSTER,
M^r VAN DAM,
Mr BARBERIE,
Mr BYERLEY,
Doctor JOHNSTON.

Ordered, that the Deputy Secretary doe Acquaint the Assembly that this Board do Desire that house will appoint a Committee [to meet a Committee] of this Board at the house of Mr Parmiter at Three a Clock this Afternoon on a Conferrence on the Subject matter of the Bill for Letting to ffarme the Excise

Ordered, that the Gentlemen of this Board or any ffive of them be a Committee to meet a Committee of the Assembly for that purpose

John Barberie Esqr Reported from the Committee to whom was Committed the Bill Intituled, An Act to Invest the property of a Certaine Dwelling house and Ground thereunto belonging in the City of New York in Daniel and Christopher the Sons of Daniel Robert Deceased, That they have Gone Through the said Bill and have made Some Amendments thereto which he Read in his place and afterwards Delivered the Same into the Board, which were Agreed to by the Board

Ordered the Said Bill with the Amendments be Read the Third time

Then the Said Bill with the Amendments was Read the Third time and passed with the Said Amendments

Ordered, that Mr Barberie do Carry the Said Bill with the Amendments to the Assembly and Acquaint them that this Board do Agree to the Said Bill with Some Amendments to which they Desire the Concurrence of that house

At a Councill held at ffort George in New York, the 9th Day of November, 1717.

PRESENT — *His Excell^y* ROB^t HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Coll BEEKMAN,
M^r VAN DAM,
Mr PHILLIPSE,
Mr BYERLEY,
Doctor JOHNSTON.

Rip Van Dam Esqr Reported from the Committee to whom was Committed the Bill Intituled, An Act for Letting to ffarme the Excise of this Colony for the Terme of ffive years and to Enable the ffarmers thereof Effectually to Collect the Same That they have Gone Through the Same and have made Some Amendments thereto which were Read and agreed to by the Board

Ordered, the Said Bill with the Amendments thereto be Read a third Time

Then the Said Bill with the Amendments thereto was Read the Third time and passed with the Said Amendments

Ordered, that Mr Van Dam do Carry the Said Bill with the Amendments to the Assembly and Acquaint them that this Board do Agree to the Said Bill with Some Amendments to which they Desire the Concurrence of that house

His Excellencey Communicated to this Board a Letter he Just now Received from the Commissioners of the Indian Affaires Dated the 6th Novr Instant, with the minutes of the Said Commissioners of the 2^d of Novr Instant, which this Board is of opinion Deserves the Consideration of the Generall Assembly and doe thereupon Order that the Same be laid before the Assembly for their Consideration

His Excellencey having Sent the Deputy Secretary to Require the Attendance of the Assembly and they being come his Excellencey gave his assent to the following Bill Enacting the Same and ordered it to be Enrolled vizt

An Act Entituled, An Act for Letting to ffarme the Excise of this Colony for the Terme of ffive years and to Enable the ffarmers thereof Effectually to Collect the Same

And then his Excellencey went with the Assembly to publish the Said Act

At a Councill held at ffort George in New York, the 21th Day of November, 1717.

PRESENT — *His Excelly* ROBt HUNTER, Esqr, &c.,

Coll BEEKMAN,
Mr VAN DAM,
Mr BARBERIE,
Mr BYERLEY,
Doctor JOHNSTON.

The Report of the Committee of this Board appointed to Consider of a Certain printed paper Intituled, *A Memorial of Severall Agrievances and Oppressions of his Majesties Subjects in the Colony of New York in America*, as also of An Address of the Generall Assembly of New York in Relation to the Said Memorial, and to Report to this Board in what manner it will be proper to Joyne with the Assembly (according to their Desire in the Said address) In Directions and Instructions to the Agent to find out the offender and to make applycation to his Majesties ministers in order to his being brought to Justice, being now taken into Consideration

This Board highly approving of the Said Address do Desire the Assembly that they will appoint a Committee of their house to Joyne with a Committee of this Board to prepare such Instructions to the Agent as may be proper to find out the Offender and to make applycation to the Ministry that he may be brought to Justice, and

It is the opinion of this Board that Another printed paper Signed Samuell Mulford and Intituled, *An Information*, be likewise Communicated to the Assembly and Desire that they will Likewise Recommend it to the Consideration of their Said Committee, as this Board does also to the Committee of this Board, and the Gentlemen of the Councill or any ffive of them are hereby appointed a Committee accordingly, and this Board do Desire that the Said Committee of the Assembly will meet the Said Committee of this Board at the house of Mr Parmiter to morrow at ffive of the Clock in the Evening for the purposes aforesaid

At a Councill held at ffort George in New York, the Twenty ninth Day of November, 1717.

PRESENT — *His Excelly* ROBt HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Capt WALTER,
Coll BEEKMAN,
Mr VAN DAM,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY,
Mr CLARKE,
Doctor JOHNSTON.

The Bill Intituled, An Act for paying and Dischargeing the severall Debts due from this Colony to the persons therein named and for Raising and putting into the hands of the Treasurer of this Colony severall Quantities of plate to be applyed to the publick and necessary uses of this Colony and to make Bills of Credit to the vallue of Thirty seaven Thousand Six hundred ounces of plate for that purpose, passed by the Assembly and sent up to this Board for their concurrence was Read the first time and

Ordered to be read a Second Time.

Gerrardus Beekman Esqr Reported from the Committee to whom was committed the Bill Intituled, An Act to prohibitt the Exportation of Raw Hides from this Colony, That they have Gone through the said Bill and have made severall Amendments thereto which were Read and Agreed to by this Board

Ordered, the said Bill with the Amendments thereto be Read the Third time

Then the said Bill with the Amendments thereto was Read the Third time and Agreed to by this Board

Ordered, that Coll Beekman doe carry the said Bill with the Amendments made thereto by this Board to the Assembly and Acquaint them that this Board do Agree to the said Bill with some Amendments to which they Desire the Concurrence of that house

At a Councill held at ffort George in New York, the 30th Day of November, 1717.

PRESENT — *His Excell^y* ROB^t HUNTER, ESQ^r, &c.,

Coll D'PEYSTER,
Capt WALTER,
Coll BEEKMAN,
M^r VAN DAM,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY,
Doctor JOHNSTON.

His Excellencey communicated to this Board a Representation of the Grand Jury of this City against passing the Bill Intituled, An Act for paying and Dischargeing the severall Debts due from this Colony to the persons therein named

The Bill Intituled, An Act for paying and Dischargeing severall Debts Due from this Colony to the persons therein named and for Raising and putting into the hands of the Treasurer of this Colony severall Quantities of plate to be applyed to the publick and necessary uses of this Colony and to make Bills of Creditt to the value of Thirty Seaven Thousand six hundred ounces of plate for that purpose, was Read the second time and committed to the Gentlemen of this Board or any ffive of them

The Bill Intituled, An Act for the better Ascertaining the Devision Line between Kings and Queens County on the Island Nassaw passed by the Assembly and sent up to this Board for their Concurrence was Read the first time and

Ordered to be read a Second time

A Message from the Assembly by Coll provoost Acquainting this Board, That that house being informed there is a petition or Address presented to his Excellencey Relating to the Bill Intituled, An Act for paying and Discharging the severall Debts due from this Colony to the persons therein named and passed by that house on Thursday last and Desireing that the same may be communicated to the Assembly

Whereupon his Excellencey sent the aforesaid Representation of the Grand Jury to his Excellencey Relateing to the said Bill by the said Coll Provoost to be communicated to the Assembly

The Bill Intituled, An Act for the better ascertaining the Division Line betweene Kings and Queens County on the Island Nassaw was Read the second time and Committed to the Gentlemen of this Board or any ffive of them

The Memorial of James Dixon Esqr Collector and Receiver Generall of New York being Read, setting fforth that his Majesties Custome house being Entirely out of Repair and in Danger of Falling insomuch that a presentment of the Grand Jury has lately been made against it, and that understanding a Bill is now Depending before this Board towards making a provision for publick uses and Desireing that an Estimate may be made and thereupon such an allowance be Given, for a Thorow Repaire as shall be thought fit.

Whereupon It is Referred to the Gentlemen of this Board or any ffive of them to Consider of the said Memorial and make their Report thereof to this Board what will be proper to be Done therein

A Message from the Assembly with the Bill Intituled, An Act to prohibitt the Exportation of Raw Hides from this Colony acquainting this Board that that house have agreed to the amendments made by this Board to the said Bill

The Bill Intituled, An Act for ye further Enabling Thomas Whitehead to sell and Dispose of some part of ye Lands Devised to him by his ffather under the Limitation of a Generall Intaile, passed by the Assembly and sent up to this Board for their Concurrence was Read ye first time and

Ordered to be Read a second time

At a Councill held at ffort George in New York, the 9th Day of December, 1717.

PRESENT — *His Excell^y* ROB^t HUNTER, ESQ^r, &c.,

Coll D'PEYSTER,
Capt WALTER,
Coll BEEKMAN,
M^r VAN DAM,
Mr BARBERIE,
Mr BYERLEY,
Mr CLARKE,
Doctor JOHNSTON.

The Bill Intituled, An Act Reviving An Act Entituled, An Act prohibitting all persons but John Parmiter and his assigns to make Lamb Black Dureing the space of ffive yeares passed by the Assembly and sent up to this Board for their Concurrence was Read the first time and

Ordered to be Read a second time

The Bill Intituled, An Act for the further Enabling Thomas Whitehead to sell and Dispose of some part of the Lands Devised to him by his ffather under the Limitation of a Generall Intail, was Read the second time and Committed to the Gentlemen of this Board or any ffive of them.

At a Councill held at ffort George in New York, the 18th *Day of December*, 1717.

PRESENT — *His Excell*y ROBERT HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Capt WALTER,
Coll BEEKMAN,
Mr VAN DAM,
Mr PHILLIPSE,
Mr CLARKE,
Doctor JOHNSTON.

George Clarke Esqr Reported from the Committee to whom was Committed the Bill Intituled, An Act for paying and Dischargeing severall Debts Due from this Colony to the persons therein named and for Raising and putting into the hands of the Treasurer of this Colony severall Quantities of plate to be applyed to the publick and necessary use of this Colony and to make Bills of Credit to the value of Thirty seaven Thousand six hundred ounces of plate for that purpose, That they have Gone through the said Bill and have made some amendments thereto which were Read and agreed to by the Board.

Ordered, the said Bill with the Amendments be Read the Third time.

Then the said Bill with the Amendments was read the Third time and past with the said Amendments

Mr Phillipse Enters his Dissent against passing the said Bill.

Ordered, that Mr Clarke do Carry the said Bill with the Amendments to the Assembly and Acquaint them that this Board do agree to the said Bill with some Amendments to which they Desire the Concurrence of that house

The Bill Intituled, An Act Reviveing An Act Intituled, An Act prohibitting all persons but John Parmiter and his Assignes to make Lamb Black Dureing the space of ffive years was Read the Second time and Committed to the Gentlemen of this Board or any ffive of them

At a Councill held at ffort George in New York, the 20th *Day of December*, 1717.

PRESENT — *His Excell*y ROBt HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Capt WALTER,
Coll BEEKMAN,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY,
Mr CLARKE,
Doctor JOHNSTON.

A Message from the Assembly by Mr Livingston with the Bill Intituled, An Act for paying and Discharging Severall Debts due from this Colony to the persons therein named and for Raising and putting into the hands of the Treasurer of this Colony severall Quantities of plate to be applyed to the publick and necessary uses of this Colony and to make Bills of Creditt to the vallue of Thirty Seaven Thousand Six hundred Ounces of plate for that purpose, togeather with the Amendments made by the Councill to that Bill and to Acquaint this Board, That that house have Agreed to severall amendments made by this Board and Disagreed to others

Resolved, that this Board do agree to the amendments made by that house to the amendments made by this Board to the said Bill and that this Board doe adhere to the Amendments made by them to the said Bill

Ordered, that Mr Clarke do Carry the said Bill with the Amendments thereto to the Assembly and acquaint them with the said Resolution of this Board

Capt Walter Reported from the Committee to whom was Committed the Bill Intituled, An Act Reviveing An Act Entituled, An Act prohibitting all persons but John Parmiter and his Assignes to make Lamb Black Dureing the Space of ffive years, that they have Gone through the said Bill without any Amendments

Ordered, the said Bill be Read the Third time

Then the said Bill was Read the Third time and past without any Amendment.

Ordered, that Capt Walter do acquaint the Assembly that this Board do agree to the said Bill without any Amendment

Coll Beekman Reported from the Committee to whom was Committed the Bill Intituled, An Act for the further Enabling Thomas Whitehead to Sell and Dispose of some part of the Lands Devised to him by his ffather under the Limitation of a Generall Intail, that they have gone through the said Bill without any Amendment

Ordered, the said Bill be Read the Third time

Then the said Bill was Read the Third time and past without any Amendment

Ordered, that Coll Beekman do Acquaint the Assembly that this Board doe agree to the said Bill without any Amendment

A Message from the Assembly Returning back the Bill Intituled, An Act for paying and Discharging severall Debts Due &c with the Amendments made by the Councill acquainting this Board That that house doe Insist on the Amendments made by that house to the Amendments made by this Board to the said Bill

And at the same time the Said Mr Livingston Acquainted this Board that the Assembly Directed him to Acquaint this Board that the wavering all formalties and the Season of the year not admitting it, Desire that this Board will appoint a Committee to meet them in a ffree Conferrence on the Subject matter of the aforesaid amendments, and thereupon this Board Desired him to Acquaint the Assembly or Such of them as they should appoint at a ffree Conferrence accordingly at the house of Mr Braisier at Six a Clock this Evening

At a Councill held at ffort George in New York, the 21th Day of December, 1717.

PRESENT — *His Excellv* ROBt HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Capt WALTER,
Coll BEEKMAN,
Mr VAN DAM,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY,
Mr CLARKE,
Dr JOHNSTON.

Ordered, that Mr Wileman Deputy Secretary doe Acquaint the Assembly that this Board Waiveing all manner of fformalties doe Desire That that house will appoint a Committee of their house to meet a Committee of the Gentlemen of this Board at the house of Mr Braisier on a ffree Conferrence on the Subject matter of the last Conferrence on the Amendments to the Bill Intituled, An Act for paying and Discharging Severall Debts &c

At a Councill held at ffort George in New York, the 21th Day of December, 1717.

PRESENT— *His Excellv* ROBt HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Capt WALTER,
Coll BEEKMAN,
Mr VAN DAM,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY,
Mr CLARKE,
Doctor JOHNSTON.

Ordered, that Mr Clarke do Acquaint the Assembly That this Board do agree to the Bill Intituled, An Act for paying and Dischargeing Severall Debts &c with the Amendments Agreed to by that house and the Amendments Agreed upon by the Committees of both houses, and that the Bill will be Accordingly Amended.

At a Councill held at ffort George in New York, the 23th Day of December, 1717.

PRESENT — *His Excellv* ROBt HUNTER, Esqr, &c.,

Coll D'PEYSTER,
Capt WALTER,
Coll BEEKMAN,
Mr BARBERIE,
Mr PHILLIPSE,
Dr JOHNSTON.

His Excellencey having Sent the Deputy Secretary to Require the Attendance of the Assembly Immediately at the Councill Chamber and the Assembly being Come his Excellencey Gave his Assent to the following Bills Enacting the Same and ordered them to be Enrolled vizt

An Act for paying and Dischargeing Severall Debts due from this Colony to the persons therein named and for Raising and putting into the hands of the Treasurer of this Colony Severall Quantities of plate to be applyed to the publick and necessary uses of this Colony and to make Bills of Credit to the value of fforty One Thousand ffive hundred and Seaventeen Ounces of plate for that purpose.

An Act to prohibitt the Exportation of Raw hides from this Colony

An Act to Invest the property of a Certain Dwelling house and Ground thereunto belonging in the City of New York in Daniel and Christopher the sons of Daniel Robert Deceased

An Act Reviving An Act Intituled, An Act prohibitting all persons but John Parmiter and his assigns to make Lamb Black During the space of flive years

An Act for the further Enabling Thomas Whitehead to sell and Dispose of some part of the Lands Devised to him by his flather under the Limitation of a Generall Intaile

---

[N. Y. Col. MSS., LXI., 18.]

By his Excellencey

ROBERT HUNTER Esqr Capt Generall and Governour of the provinces of New York New Jersey and Territories thereon Depending in America and Vice Admirall of the same &c

A PROCLAMATION.

WHEREAS the Generall Assembly of the said province of New York stands adjourned to this Day but their not being a Number of the members of the said Assembly yet come to Town sufficient to make a House I Have therefore for his Majesties service thought fitt further to adjourne the said Generall Assembly, And I Doe by vertue of the power and authority unto me Granted by his Majesty under the Broad seal of Great Brittain hereby ffurther adjourne the said Generall Assembly of the said province of New York untill Monday the Twenty sixth Day of May Instant Whereof all his Majesties subjects in the said province are to take notice and Govern themselves accordingly.

Given under my hand and seal at ffort George in *New York* the One and Twentieth Day of May in the ffourth year of the Raigne of our Soveraigne Lord George by the Grace of God of Great Brittain ffrance and Ireland King Defender of the ffaith &c Annoq Dni 1718

Ro: HUNTER.

SEVENTEENTH ASSEMBLY FIFTH SESSIONS.

At a Councill held at ffort George in New York, the 27th *Day of May*, 1718, At Three a Clock in ye Afternoon.

Present — *His Excell^y* Robt Hunter, Esqr, &c.,

Coll De peyster,
Capt Walter,
Coll Beekman,
Mr Van Dam,
Mr Barberie,
Mr Phillipse,
Mr Byerley.

His Excellencey acquainted this Board that he had Received a Letter from Mr Nicoll Speaker of the Assembly and had seen his Letter Directed to the Gentlemen of the Assembly wherein he had Desired to be Discharged from that service he not having Health and Strength to perform it, and that the publick Affaires might not be Hindred his Excell^y had directed the Assembly to make Choice of a person to Succeed him, and his Excell^y having been acquainted by their Clerk that the Assembly had made choice of Robert Livingston Esqr to be their Speaker and his Excell^y thereupon having ordered the Attendance of the Assembly,

The House accordingly attended and presented said Robert Livingston to his Excellencey for his approbation who approved of their Choice.

Then Mr Speaker in the name of the House prayed his Excellencey would Continue to them their ancient Rights and priviledges which were,

ffreedome from arrests for themselves and servts During their Sessions;

ffreedome of Access to his Excellencey on all occasions Relateing to his Majesties service and the wellfare of this Colony and that if he in any applycation to his Excellencey in the name of that House should Happen to mistake their meaning That his Excellencey would give him leave to Returne to them for a fuller Information and pardon the Errors he had committed, and in Case any Doubt should arise upon votes or orders of that House, his Excellencey would give them Leave to Explain themselves, and put the most favourable Constructions of their words, and if any of their members should offend in matters Relateing to that House That they only might correct them, which were Granted.

At a Councill held at ffort George in New York, ye 11th Day of June, 1718.

PRESENT — *His Excellcy* ROBt HUNTER, Esqr, &c.,

Coll DE PEYSTER,
Capt WALTER,
Coll BEEKMAN,
Mr VAN DAM,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY.

The Bill Entituled, An Act for Annulling and makeing voyd a ffraudulent conveyance of Mary Davenport made by her while she was sole by the name of Mary Miserole to one James Brown of Certain Lands Goods and Chattels late belonging to John Miserole her fformer Husband Deceased was Recommitted to the Gentlemen of this Board or any five of them

At a Councill held at ffort George in New York, the 17th Day of June, 1718.

PRESENT— *His Excellcy* ROBt HUNTER, Esqr, &c.,

Capt WALTER,
Coll BEEKMAN,
Mr VAN DAM,
Mr BARBERIE
Mr PHILLIPSE,
Mr BYERLEY.

A Message from the Assembly by Capt Bud acquainting this Board that that House have passed a Bill Intituled, An Act to prevent small Stallions Running at Large and to Geld all Horsses under the size therein mentioned, to which they Desire the Concurrence of this Board which Bill was Read the ffirst time and

Ordered to be Read a second time.

At a Councill held at ffort George in New York, the 19th Day of June, 1718.

PRESENT— *His Excellcy* ROBt HUNTER, Esqr, &c.,

Capt WALTER,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY,
Doctor JOHNSTON.

A Message from the Assembly by Coll Rutsen Acquainting this Board that that House have passed a Bill Intituled, An Act for settling the Boundaries Between the Lands Granted by patent unto Cornelius Cole, Adrian Gerritse, Matthias Ten Eyck, Jacobus Du Bois, Johannes Schepmoes, Roeloff Swartwout, Cornelius Lammerse, Peter Peterse, Lawrence Oosterhout and Jannetie Newkirk scituate Lyeing and being in the County of Ulster commonly called the Town of Hurley and the Lands Granted by patent unto Capt Henry Beekman, Capt Thomas Garton and Capt Charles Broadhead Trustees in the County of Ulster aforesaid for and on the behalf of the Inhabitants of the Towne of Marble Towne, to which they Desire the Concurrence of this Board

Which Bill was Read the ffirst time and

Ordered to be Read a second time

Coll Beekman and Mr Van Dam took their places at the Board

A Message from the Assembly by Mr Coeman acquainting this Board that that House have passed a Bill Entituled, An Act for Establishing pilotage to which they Desire the concurrence of this Board

Which Bill was Read the ffirst time and

Ordered to be read a Second time.

A Message from the Assembly by Mr Cuyler acquainting this Board that that House have passed a Bill Intituled, An Act for an Allowance to the Representative of the Township of Schenectady in the County of Albany to which they Desire the concurrence of this Board

Which Bill was Read the ffirst time and

Ordered to be read a Second time.

The Bill Intituled, An Act to prevent small Stallions Running at Large and to Geld all Horses under the size therein mentioned was Read the Second time and Committed to the Gentlemen of this Board or any ffive of them.

The Bill Intituled, An Act for Settling the Boundaries Between the Lands Granted by patent unto Cornelius Cole, Adrian Gerritse, Matthias Ten Eyck, Jacobus Du Bois, Johannes Schepmoes, Roeloff Swartwout, Cornelius Lammerse, Peter Peterse, Lawrence Oosterhout, and Jannetie Newkirk Scituate Lyeing and being in the County of Ulster commonly called the Town of Hurley and the Lands Granted by patent unto Coll Henry Beekman, Capt Thomas Garton and Capt Charles Broadhead Trustees for and on the behalf of the Inhabitants of the Town of Marble Town in the County of Ulster aforesaid, was Read a Second time and Committed to the Gentlemen of this Board or any ffive of them

And this Board being acquainted that Mr Bickley was waiteing without and had something to offer on behalf of the Trustees of the Town of Marble Town agt passing the said Bill

Mr Bickley was called in and thereupon this Board acquainted him that he might be heard before the said Committee what he had to offer, and all parties concerned are to attend the said Committee and to be heard what they have to offer for or against the passing the said Bill

The Bill Intituled, An Act for Establishing Pilotage was Read a Second time and Committed to the Gentlemen of this Board or any ffive of them

The Bill Intituled, An Act for an Allowance to the Representative of the Township of Schenectady in the County of Albany was Read a Second time and Committed to the Gentlemen of this Board or any ffive of them

Att a Councill held at ffort George in New York ye 23th Day of June, 1718.

PRESENT — *His Excellv* ROBt HUNTER, Esqr, &c.,

Capt WALTER,
Coll BEEKMAN,
Mr BARBERIE,
Mr BYERLEY,
Doctor JOHNSTON.

A Message from the Assembly by Judge Herring acquainting that that House have passed a Bill Entituled, An Act for Naturalizing Nicholas Caron, Abraham De Casserez, Tobias Boel, Henricus Boel, Jacob Pitt, Jan Pitt and Samuel Richards To which they Desire the Concurrence of this Board

Which Bill was Read the ffirst time and

Ordered to be read a Second time.

A Message from the Assembly that that House have passed a Bill Intituled, An Act for Granting to the ffreeholders and Inhabitants of the precincts of Katts Kill and Coxhacky in the County of Albany the priviledge of choosing yearly a Supervisor To which they Desire the Concurrence of this Board

Which Bill was Read the first time and

Ordered to be Read a Second time.

A Message from the Assembly by Coll Provoost Acquainting this Board that that House have passed a Bill Entituled, An Act for Reviving An Act of Generall Assembly Entituled An Act for the better settling the Militia of this province and making it more usefull for the security and Defence thereof To which they Desire the Concurrence of this Board

Which Bill was Read a ffirst time and

Ordered to be read a Second time

John Johnston Esqr Reported from the Committee to whom was Committed the Bill Intituled, An Act to prevent small Stallions Running at Large and to Geld all Horsses under the size therein mentioned That they have gone through the said Bill and have made severall amendments which he Delivered in at the Board

Ordered, the said Bill with the Amendments be Read the Third time

Then the said Bill with the Amendments was Read the Third time and passed with the said Amendments

Ordered, that Doctor Johnston doe carry the said Bill with the Amendments to the Assembly and Acquaint the Assembly that this Board do agree the said Bill with some Amendments to which they Desire the Concurrence of that house

John Barberie Esqr Reported from the Committee to whom was Committed the Bill Entituled, An Act for Establishing pilotage that they have gone through the said Bill and have made an Amendment thereto which was Read and agreed to by the Board

Ordered, the said Bill with the Amendment be Read the Third time

Then the said Bill with the Amendment was Read the Third time and passed with the said Amendment

Ordered, that Mr Barberie doe carry the said Bill with the Amendment to the Assembly and acquaint them that this Board do agree to the said Bill with an Amendment to which they Desire the Concurrence of that house

The Bill Intituled, An Act for Reviveing An Act of Generall Assembly Entituled, An Act for the better Settling the Militia of this province and makeing it more usefull for the Security and Defense thereof was Read the Second time and Committed to the Gentlemen of this Board or any five of them.

Att a Councill held at ffort George in New York, the 25th Day of June, 1718.

PRESENT— *His Excell^y* ROB^t HUNTER, Esqr, &c.,

Coll DEPEYSTER,
Coll BEEKMAN,
Mr BARBERIE,
Mr PHILLIPSE
Doctor JOHNSTON.

Adolph Phillipse Esqr Reported from the Committee to whom was Committed the Bill Intituled, An Act for Reviveing An Act of Generall Assembly Entituled, An Act for the better Settling the Militia of this province and makeing it more usefull for the Security and Defence thereof That they have gone Through the said Bill without any Amendment

Ordered, the said Bill be read the Third time

Then the said Bill was Read the Third time and passed without any Amendment.

Ordered, that Mr Phillipse do Acquaint the Assembly that this Board do agree to the said Bill without any Amendment

Mr Phillipse for Capt Walter Reported from the Committee to whom was Committed the Bill Intituled, An Act for Settling the Boundaries Between the Lands Granted by patent unto Cornelius Cole, Adrian Gerritse, Matthias Ten Eyck, Jacobus Du Bois, Johannes Schepmoes, Roelof Swartwout, Cornelius Lammerse, Peter Peterse. Lawrence Oosterhout and Jannetie Newkirk scituate Lyeing and being in the County of Ulster commonly called the Town of Hurley and the Lands Granted by patent unto Coll Henry Beekman Capt Thomas Garton and Capt Charles Broadhead Trustees for and on the behalfe of the Inhabitants of the Town of Marbletown in the County of Ulster aforesaid, That they having heard the parties thereupon by their Counsill are Humbly of opinion that the said Bill doe Lye upon the Table

Ordered, the said Bill do Lye upon the Table

The Bill Intituled, An Act for Granting to the ffreeholders and Inhabitants of the precincts of Catts Kill and Coxhackey in the County of Albany the priviledge of choosing a Supervisor yearly, was Read a Second time and Committed to the Gentlemen of this Board or any five of them

The Bill Intituled, An Act for Naturalizing Nicholas Caron, Abraham De Casserez, Tobias Boel, Hemicus Boel, Jacob Pitt, Jan Pitt, and Samuel Richards was Read a Second time and Committed to the Gentlemen of this Board or any five of them

Att a Councill held at ffort George in New York, the 27th Day of June, 1718.

PRESENT— *His Excell^y* ROB^t HUNTER, Esqr, &c.,

Coll DEPEYSTER,
Capt WALTER,
Coll BEEKMAN,
M^r VAN DAM,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY,
Mr CLARKE,
Doctor JOHNSTON.

The Bill Intituled An Act for Annulling and makeing voyd a ffraudulent Conveyance of Mary Davenport made by her while she was sole by the name of Mary Miserole to one James Brown of Certain Lands Goods and Chattells late belonging to John Miserole her former Husband Deceased, to stand Recommitted to the Gentlemen of this Board or any five of them.

John Barberie Esqr Reported from the Committee to whom was Committed the Bill Intituled,

An Act for Naturalizing Nicholas Caroo, Abraham De Caseres, Tobias Boel, Henricus, Jacob Pitt, Jan Pitt and Samuel Richards that they have gone through the said Bill without any Amendment

Ordered. the said Bill be Read a Third time.

Then the said Bill was Read the Third time and passed without Amendment

Ordered, that Mr Barberie do Acquaint the Assembly that this Board do agree to the said Bill without any Amendment

Ordered, that the Gentlem of this Board or any ffive of them be a Committee to meet a Committee of the Assembly on the subject matter of the Message sent yesterday by Doctor Johnston from his Excellencey to the Assembly with Relation to Mr Samuel Mulford and that Mr Wileman Deputy Secretary acquaint the Assembly herewith; and that the Council Desire the Committee of the Assembly to meet them accordingly at the House of Mrs Jordan at ffour a Clock this afternoon precisely.

The Bill Entituled, An Act Repealing that part of An Act Entituled, An Act for Restraining the taking of Extravagant and Excessive Usury whereby Interest was Reduced to Six ℔ Ct ℔ Annum being sent from the Assembly to this Board for their Concurrence was Read the ffirst time and

Ordered to be Read a Second time.

A Message from the Assembly by Mr Terbos that that House do agree to the Bill Amendment made by this Board to the Bill Intituled, An Act to prevent Stallions Running at Large and to Geld all Horsses under the Size therein Mentioned

The Bill Entituled, An Act to prevent the Stealing and ffraudulent marking and taking up and Selling of Horsses within this Colony being Sent from the Assembly to this Board for their Concurrence was Read the ffirst time and

Ordered to be Read a Second time

Att a Council held at ffort George in New York, ye 30th Day of June, Anno Dni 1718.

PRESENT — *His Excellu* Robt HUNTER, Esqr, &c.,

Coll DE PEYSTER,
Capt WALTER,
Coll BEEKMAN,
Mr VAN DAM,
Mr BARBERIE,
Mr PHILLIPSE,
Mr BYERLEY,
Mr CLARKE,
Doctor JOHNSTON.

A Message from the Assembly by Alderman Kip bringing back the Bill Entituled, An Act for Establishing Pilotage with the Amendment made thereto by this Board and Acquainting this Board that that House do Agree to the Said Amendmt

The Bill Intituled, An Act for Repealing that part of An Act Entituled, An Act for Restraining the takeing of Extravagant and Excessive Usury Whereby Interest was Reduced to Six per Cent ℔ Annum, was Read the Second time and Committed to the Gentlemen of this Board or any ffive of them.

The Bill Intituled, An Act to prevent the Stealing and ffraudulent markeing and takeing up and Selling of Horsses within this Colony was Read a Second time and Committed to the Gentlemen of this Board or any ffive of them

A Message from the Assembly by Coll Hicks Acquainting this Board that that House have passed a Bill Intituled, An Act for Encourageing the Returning Nett Cattle and Sheep to their owners to which they Desire the Concurrence of this Board

Which Bill was Read the ffirst time and

Ordered to be Read a Second time

A Message from the Assembly by Mr Carel Hansen Acquainting this Board that that House have passed a Bill Intituled, An Act for Reviveing and Continueing An Act of Generall Assembly Entituled. An Act for Lycenseing Hawkers within this province to which they Desire the concurrence of this Board

Which Bill was Read the ffirst time and

Ordered to be Read a Second time

The Report of this Board appointed to Joyne with the Committee of the Assembly on the Message Sent by his Excellencey to the Assembly with Relation to Capt Samuel Mulford being Read was Agreed to by this Board with Two Amendments

Ordered, that Mr Wileman Deputy Secretary doe Carry the Said Report to the Assembly for their Concurrence

The Bill Entituled, An Act for Settling the Boundaries between the Lands Granted by patent unto Cornelius Coel, Adrian Gerritse, Matthias Ten Eyck, Jacobus Du Bois, Johannes Schepmoes, Roeloff Swartwout, Cornelius Lammerse, Peter Pieterse, Lawrence Oosterhout and

Jannetie Newkirk Scituate Lyeing and being in the County of Ulster Commonly Called the Town of Hurley and the Lands Granted by patent unto Coll Henry Beekman, Capt Thomas Garton and Capt Charles Broadhead Trustees for and on the behalfe of the Inhabitants of the Town of Marbletown in the County of Ulster aforesaid was Recōmitted to the Gentlemen of this Board or any ffive of them

The Bill Entituled, An Act for Reviving and Continueing An Act of Generall Assembly Entituled, An Act for Lycenseing Hawkers and pedlars within this province was Read the second time and Committed to the Gentlemen of this Board or any ffive of them

The Bill Intituled, An Act for Encourageing and Returning Nett Cattle and Sheep to their owners was Read the Second time and Committed to the Gentlemen of this Board or any ffive of them

Att a Councill held at ffort George in New York, ye 1st Day of July, 1718.

PRESENT — *His Excellcy* ROBT HUNTER, Esqr, &c.,

Coll DE PEYSTER,	Mr BARBERIE,
Capt WALTER,	Mr BYERLEY,
Coll BEEKMAN,	Mr CLARKE,
Mr VAN DAM,	Doctor JOHNSTON.

A Message from the Assembly by Mr Hendrick Hansen that the Assembly have passed a Bill Entituled, An Act for paying the Quantity of ffifty Three Ounces and one Half of plate unto Johannes Van Zant and the Quantity of Twelve Ounces and One Halfe of plate unto Willempe Uytden Bogart Widdow To which they Desire the Concurrence of this House

Which Bill was Read the flirst time and

Ordered, to be Read a Second time

His Excellencey Communicated to this Board a Letter from the Right Honble the Lords Commissioners of Trade and plantations of the 11th of October 1717 and Inclosed an additional Instruction to his Excellencey Relateing to the not passing Acts which may affect the Trade and Shipping of this Kingdome As also a Warrt for his useing a New Seal sent him for the province of New York under his Excellencies Government

Whereupon It is the opinion of this Board that the same be Communicated to the Assembly

Ordered, the said Instructions and Warrt be Entered in the minutes of Councill which are as followeth.

Whitehal Octor 11th 1717

Sir

His Majesty having signed an additional Instruction to you Relating to the not passing Acts which may affect the Trade and Shipping of this Kingdom, As also a Warrant for Using a New Seal for the province of New York under your Government We herewith transmitt to you the said Instruction, Warrant and Seal and are,

Yor very Loving Friends
and Humble Servants

J. Chetwynd
Charles Cooke
P. Doeminique
J Molesworth
D. Pulteney
Martin Bladin

Robt Hunter Esqr

ADDITIONAL INSTRUCTION *for our Trusty and welbeloved* ROBT HUNTER Esqr *our Capt Generall and Governour in Cheife of our province of* New York *and the Territories Depending thereon in* America, *or for the* Commander in Chief, *of the said* province *for the time being.*

Given at our Court at *Hampton Court* the 27th day of *Septemr* 1717 in the ffourth year of our Reign

GEORGE R.

WHEREAS by our Instruction to you, you are Required not to pass any Law of an Extraordinary or unusual Nature and Importance whereby our prerogative or the property of our Subjects may be prededuced without having either ffirst transmitted unto us the Draught of such a Bill or Bills, and our having signifyed our Royal pleasure thereupon, or that you take care in the passing of any act of an unusual and Extraordinary Nature that there be a clause Inserted therein Suspending and Deferring the Execution thereof untill our pleasure be known

concerning the said Act. It is our ffurther will and pleasure that you do not for the future pass any Act which may any ways affect the Trade or Shipping of this our Kingdom without a clause expressly Declaring that the said act shall not be in ffore until it be approved and confirmed by us, our Heirs and Successors, and you are to signify our pleasure herein to the Councill and Assembly of our province of New York under your Government and to take care that the same be punctually observed for the future upon pain of our highest Displeasure.

G. R.

Coll Beekman Reported from the Committee to whom was Committed the Bill Intituled, An Act for Reviving and continuing An Act of Generall Assembly Entituled, An Act for Lycensing Hawkers and pedlers within this province, That they have gone Through the said Bill without any Amendment

Then the said Bill was read the Third time and passed without any Amendment.

Ordered, that Coll Beekman do acquaint the Assembly that this Board do agree to the said Bill without any Amendment.

George Clarke Esqr Reported from the Committee to whom was Committed the Bill Intituled, An Act to prevent the Stealing and ffraudulent marking and taking up and Selling of Horses within this Colony That they have Gone through the said Bill and have made severall Amendments thereto which he Read in his place and afterwards Delivered the same into the Board.

Ordered, the said Bill with the Amendments be Read the Third time

Then the said Bill with the Amendments was Read the Third time

Then the Question being put

Whether the said Bill doe pass with the Amendments?

It passed in the negative

Ordered, the said Bill be Rejected.

Coll Beekman Reported from the Committee to whom was Committed the Bill Intituled, An Act for Encourageing the Returning Nett Cattle and Sheep to their Owners, that they have Gone Through the said Bill and have made some Amendments thereto which he Read in his place and afterwards Delivered the same in at the Table

Ordered, the said Bill with the Amendments be Read the Third time

Then the said Bill with the Amendments was Read the Third time and passed with the said Amendments

Ordered, that Coll Beekman doe carry the said Bill with the Amendments to the Assembly and acquaint them that this Board do agree to the said Bill with some Amendments To which they Desire the Concurrence of that House

Att a Councill held at ffort George in New York, ye 2^d Day of July, 1718.

PRESENT — *His Excell^y* ROB^t HUNTER, Esqr, &c.,

Capt WALTER,
Coll BEEKMAN,
M^r VAN DAM,
Mr BARBERIE,
Mr BYERLEY,
Mr CLARKE.
Doctor JOHNSTON.

A Message from the Assembly by Capt Van Horne Returning the Bill Entituled, An Act for Encourageing the Returning Nett Cattle and Sheep to their owners, with the Amendments made thereto by this Board and acquainting this Board that that House have agreed to the Amendments made by this Board to said Bill

Capt Walter for Abraham De peyster Esqr Reported from the Committee to whom was Committed the Bill Intituled, An Act for an Allowance to the Representative of the Township of Schenectady in the County of Albany, that they have gone through the said Bill without any Amendment

Ordered, the said Bill be Read the Third time

Then the said Bill was Read the Third time and past without Amendment

Ordered, that Capt Walter do Acquaint the Assembly that this Board do agree to the said Bill without any Amendment.

Capt Walter Reported from the Committee to whom was Committed the Bill Intituled, An Act for Granting to the ffreeholders and Inhabitants of Coxhackey in the County of Albany the priviledge of choosing yearly a Supervisor That they have gone through the said Bill without any Amendment

Ordered, the said Bill be Read the Third time

Then the said Bill was Read the Third time and passed without any Amendm^t

Ordered, that Capt Walter do acquaint the Assembly that this Board do Agree to the said Bill without any Amendment

Capt Walter Reported from the Committee to whom was committed the Bill Intituled, An Act Repealing that part of An Act Entituled, An Act for Restraineing the taking of Extravagant and Excessive Usury whereby Interest was Reduced to Six ℔ cent per annum, That they have gone through the said Bill without any Amendment.

Ordered, the said Bill be Recommitted.

A Message from the Assembly by Mr Seabring, That the Assembly have Agreed to the Representation Drawn by the Committee of both Houses with Relation to Mr Samuel Mulford To be made to the Right Honble the Lords Commissioners for hearing Appeales.

Which Representation being Ingrossed, It is

Ordered, that the Clerk of the Councill sign the same by order and behalf of the Councill

Which Representation being so signed, It is

Ordered, that the Clerk of the Councill doe carry the same to the Assembly

The Bill Entituled, An Act for paying the Quantity of fifty Three Ounces and One Half of plate unto Johannes Vanzant and the Quantity of Twelve Ounces and One Half unto Willempie Vytden Bogard Widdow, was Read a Second time and committed to the Gentlemen of this Board or any five of them

Att a Council held at ffort George in New York, the 3d Day of July, 1718.

PRESENT— *His Excellv* Robt Hunter, Esqr, &c.,

Capt Walter,
Coll Beekman,
Mr Phillipse,
Mr Byerley,
Doctor Johnston.

Doctor Johnston for Mr Clarke Reported from the Committee to whom was Committed the Bill Intituled, An Act for Repealeing that part of An Act Entituled, An Act for Restraining the taking of Extravagant and Excessive Usury whereby Interest was Reduced to Six ℔ Cent ℔ Annum, That they have gone through the said Bill and have made several Amendments thereto which he Read in his place and afterwards Delivered the same in at the Board

Ordered, the said Bill with the amendments be Read the Third time

Then the said Bill with the Amendments was Read the Third Time and passed with the said Amendments

Ordered, that Doctor Johnston doe carry the said Bill with the Amendments to the Assembly and Acquaint them that this Board do agree to the said Bill with some Amendments To which they Desire the Concurrence of that House

Coll D'peyster and Mr Van Dam took their places at the Board

A Message from the Assembly by Alderman Jansen that that House do Agree to the Amendments made by this Board to the Bill Intituled, An Act Repealing An Act Entituled, An Act for Restraining the taking of Extravagant and Excessive Usury whereby Interest was Reduced to Six ℔ cent ℔ Annum

His Excellencey having sent the Deputy Secretary to Require the Attendance of the Assembly and they being come his Excellencey gave his Assent to the following Bills Enacting the same and ordered them to be Enrolled vizt

An Act to prevent Small Stallions Running at Large and to Geld all Horses under the size therein mentioned

An Act for an Allowance to the Representative of the Township of Schenectady in the County of Albany

An Act for Granting to the ffreeholders and Inhabitants of the precincts of Catskill and Coxhackey in the County of Albany the priviledge of choosing yearly a Supervisor.

An Act for Reviving and continueing An Act of Generall Assembly Entituled, An Act for Lycensing Hawkers and pedlars within this province

An Act for Naturalizing Nicholas Caron, Abraham De Caperez, Tobias Boel, Henricus Boel Jacob Pitt, Jan Pitt and Samuel Richards

An Act for Reviving An Act of Generall Assembly Entituled, An Act for the better Settling the Militia of this province and makeing it more usefull for the security and Defence thereof

An Act for Establishing pilotage.

An Act for Encourageing the Returning Nett Cattle and Sheep to their owners

An Act Repealing that part of An Act entituled An Act for Restraining the taking of Extravagant and Excessive Usury whereby Interest was Reduced to Six ℔ cent ℔ Annum

[N. Y. Col. MSS., LXI., 59.]

By his Excellency

ROBERT HUNTER Esqr Capt Generall and Governour in Cheife of the Provinces of New York, New Jersey and Territories thereon Depending in America and Vice Admirall of the same &c

A PROCLAMATION

WHEREAS the Generall Assembly of the said Province of New York stands adjourned to this day and there not being a sufficient number of the Members in Town I have therefore for his Majesties service thought fitt further to adjourne the said Generall Assembly, and I doe by vertue of the Power and Authority unto me Granted by his Majesty under the Broad Seal of Great Britain further adjourne the said Generall Assembly of the said Province of New York unto the two & twentyeth day of this Instant September Whereof all his Majestys Subjects in the said Province are to take Notice and Govern themselves accordingly

Given under my hand and seal at Fort George in *New York* the Eighteenth day of September in the fifth year of the Reign of our Sovereign Lord George by the Grace of God, of Great Britain France and Ireland King Defender of the Faith &c Annoq Dōm 1718

Ro: HUNTER

By his Excellency's Command

SEVENTEENTH ASSEMBLY SIXTH SESSIONS.

At a Councill held at ffort George in New York, ye 24th Day of September, 1718.

Present — *His Excellencey* Robert Hunter, Esqr, &c.,

Coll D'Peyster,	Mr Barberie,
Capt Walter,	Mr Phillipse,
Coll Beekman,	Mr Byerley,
Mr Van Dam,	Doctor Johnston.

The Assembly being met according to the Last Adjournement, sent their Clerke to Acquaint his Excellencey therewith, and to know his Excellences Commanded (*sic*) Where upon his Excellencey Directed their Clerk to Acquaint them that his Excellencey Requires the Attendance at the Councill Chamber Imediately

And the Assembly being come his Excellencey made the foll: Speetch to them, vizt

Gentlemen,

Haveing Received from the Lords Commissioners for Trade some objections against the Acts for Setling a Revenue for Support of Government, I Judg'd it also lately necessary that you should meet as soon as possible In order to provide proper remedys for Such Matters contained in those Acts as [have] in the mean time obstructed their Ldsps recommendation of them to His Māty for his approbation and may, if not remedy'd Lay them Under the necessity of Laying them before him for his Disallowance which, as it would be of Dangerous Consequence to the Credit and Intrest of this Colony, So I am perswaded it would be no very agreeable task to their Ldsps who have its Intrests and prosperity So much at Heart as it will appear from their own words which are these—

"We have Consider'd the Revenue Act and have Some objections to it, particularly it affects "the Shipping and Navigation of this Kingdom as you will see by the Inclosed Paper of "objections; however we would not Lay it before His Majesty to be repeal'd, because you Say "the Repealing it would ruine the Trade of the Province. You must therefore move the "Assembly to passe a new Act not Lyable to the Said objections otherwise we shall be oblig'd, "to Lay this Act before His Māty for his Dissallowance, For no acts are to be pass'd In the "Plantations whereby the Shipping and navigation of this Kingdom are affected as you will "see more particularly by his Mātys additional Instruction to you of ye 27th of Sep^t Last We

"have the Like Objections which are also here Inclosed to the Act to oblige all Vessels "Tradeing to this Colony (Except Such as are therein Excepted) to pay a Certain Duty Etc, "passed in Sep^t 1716 and for the Same reasons we must Desire you to gett a new Act pass'd "not Lyable to these objections"

The Paper Containeing these objections, I shall lay before you and Earnestly Intreat your Immediate attention to the application, also proper remedys; at the same time I must put you in mind that in the next yeare which is the Last of your Revenue Act, it will prove very Deficient as was observ'd at the time it passed, So that this may be a very proper Juncture by a new Act for that Purpose to Remove all Just objections guard against that Defierency, and to make further provision for the Support of His Mātys Government here

The Season of the Year calls for Dispatch and the case can not admitt of Delay and I cannot easily perswade my self that an Assembly which has all along had and has given Conspicuous marks of a hearty Zeal for his Māty and Sincere regard to His Service and has given Such kind repeated proofs of their Intire Satisfaction with my administration, will hesitate in what is now recommended to them which so nearly concerns the Intrest of those whom you Represent as well as that of the Government

Ro: Hunter.

Att a Councill held at Fort George in New York, the Seventh day of October, 1718.

Present — *His Excellency* Robert Hunter, Esqr, &c.,

Coll De peyster,
Capt Walter,
Coll Beekman,
Mr Vandam,
Mr Barbarie,
Mr Clarke,
Doctor Johnson.

A Message from the Assembly that they had passt a Bill Intitled, And An Act for Reviveing An Act of Generall Assembly Intitled, An Act for the Easyer partition of Lands In Jointtenancy or in Common & makeing the Same more usefull & Effectual for the purpose therein mentioned to which they desired the concurrence of this Board.

Then the Said Bill was read the first time

Ordered, a Second Reading

Att a Councill held at Fort George in New York, the 8th day of October, 1718.

Present — *His Excellency* Robert Hunter, Esqr, &c.,

Capt Walter,
Mr Vandam,
Coll Heathcott,
Mr Philipse,
Geo Clarke.

The Bill Intitled, An Act for reviveing An Act of General Assembly Intitled, An Act for the Easyer partition of Lands in Jointtenaing (*sic*) or in common & makeing the Same more Usefull and Effectuall for the purposes therein mentioned was read a Second time and committed to the Gentlemen of the Councill or any five of them

Att a Councill held at Fort George in New York, the 9th Day of October, 1718.

Present — *His Excellency* Robert Hunter, Esqr, &c.,

Coll Depeyster,
Capt Walter,
Coll Beekman,
Mr Barbery,
Mr Byerly,
Mr Clarke,
Doctor Johnson.

Coll Beekman Reported from the Committee to whom was Committed the Bill Intitled, An Act for Reviveing An Act of Generall Assembly jntitled, An Act for the Easyer Partition of Land in Jointtenancy or in Common & makeing the same more usefull and effectual for the purpose there in mentioned that They have gone thro the Said Bill without any amendment.

Ordered, that Said Bill be read the third time

Then the Said Bill was Read the third time and passt without Amendment

Ordered, that Coll Beekman do acquaint The Assembly that this Board doe Agree to the Said Bill without any Amendment

Att a Councill held at fort George in Newyork, the 9th day of October, 1718, P. M.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll DEPEYSTER,
Capt WALTER,
Coll BEEKMAN,
Mr BARBERIE,
Coll HEATHCOTT,
GEO. CLARKE,
Doctor JOHNSON.

The Speaker of the Assembly attended by the whole house acquainted this board that they had passt a Bill Intitled, An Act for the Explaining of Certain Clauses in one act of the General Assembly of this Colony intitled, An Act for a Supply to be granted to his Majesty for the Supporting his Government in the province of New York and for Strickeing Bills of Credit for that purpose pass'd in the year 1715 and for the Explanation of Certain Clauses in An Act of General Assembly of this Colony made in the year 1716 intitled, An Act to Oblidge all Vesels Trading into this Colony (Except Such as are therein Excepted) to pay a Certain Duty and for the further Explanation and makeing more Effectual Certain Clauses in an Act by which a Duty his laid on all Negroes and other Slaves Imported into this Colony, to which they desired the concurrence of this Board and at the Same time delivered an Adress to his Excellency in these words:

To His Excellency ROBERT HUNTER, Esq: Captain General and Governor in Chiefe of the Province of New York and New Jersey, the Territories thereon depending in America, and Vice Admiral of the same &c.

The humble REPRESENTATION of the General Assembly of his Majesty's Colony of New York.

May it please your Excellency,

As the Observes you made to the Right Honourable the Lords Commissioners for Trade and Plantations, on the Consequences that would attend the Repeal of the Act, *for a Supply to be granted to his Majesty, for the Support of Government here*, were very just; so we pray, that you would return that Board, the Thanks of this House, for the Regard they were pleased to pay to your Sentiments, and to assure them, that though possibly we may make Acts here, liable to their Censure; yet they are not made so, with any ill Design of hurting the Trade and Navigation of *Great Britain;* and that in particular, the two Acts, to which their Lordships have been pleased to make Objections, were by us intended for the ample Support of his Majesty's Government here, and contrived (as we then thought) in such a Manner, as would be most effectual for that purpose, with most Ease to his Majesty's Subjects, and to make those of them who received an Advantage by our Trade, contribute their Mite to the Support of that Government, which protected them and us in it. As all the Payments made for the Tonnage of *British* Vessels, has amounted to but little above *Two Hundred Pounds* this Money, since the Act laying that Duty was passed, which is now above two Years; so the ill Effects of so small a Sum, will not, we presume, be considered with Respect to the *British* Trade, and we humbly hope, that when their Lordships are informed, that *British* Vessels, as well as others, paid a Duty of Tonnage, by Virtue of an Act of General Assembly of this Province, made in the Year 1709, which continued to be paid without any Objection or Observe made on that Act, by the then Board of Trade: That the Instruction their Lordships mention, was not communicated till long after the Act they object against, was passed; That in *Virginia*, they pay such a Duty, and that *British* shipping in most of the Plantations, are no more than others exempted, from paying a Duty according to their Tonnage for Powder Money; they will think favourably of us, for subjecting them to the same Duty, as their Fellow Subjects paid for the Support of his Majesty's Government, which we were humbly of Opinion, would as well justify such an Imposition, as the Support of his Majesty's Garrisons and Fortifications. We were not without Views of encouraging the Building of Shipping in this Colony, by Exempting the Vessels built here from that Duty and his Majesty's Subjects in this Colony, trading in Ships built any where else, were as liable to that Duty as others, and as they have freed themselves from it, by complying with the Intention of that Act, so if we are rightly informed, the truest and most advantageous Way for the Subjects of *Britain*, who are inclined to be concerned in our Trade, to obviate that Part of their Lordships Objections against the Act, is to answer the Ends of it. But this Hint, we submit to be improved by Men of their Lordships great Wisdom and Penetration. And in the mean Time have passed an Act, not liable to that Objection, nor to that of *Negroes* imported directly from *Africa* in Vessels owned by Inhabitants of Britain, but we humbly hope their Lordships will not think it inconsistent with the Interest of *Britain*, to indulge us in continuing a difference of the Duty between Vessels built in this Colony, and those owned by Inhabitants of the neighboring Plantations, and built elsewhere; and also a Difference

betwixt the Duty of *Negroes*, brought directly from *Africa*, and those brought from the Plantations; because it will encourege a direct Importation from *Africa*, and discourage an Importation from the Plantations, by whom we are supplied with the Refuse of their *Negroes* and such Malefactors, as would have suffered Death in the Places from whence they came, had not the Avarice of their Owners, saved them from the publick justice by an early Transportation into these Parts, where they not often fail of repeating their Crimes. We shall not enlarge on this Head, conceiving these and many more Reasons will be obvious to their Lordships, and forceable enough to induce them to comply with our Desire; and we become humble Supplicants to your Excellency, that while we have the Honour and Advantage of your Continuance in the Station you are at present in, that you will use your Endeavour to dispose that Right Honourable Board, to continue so far their Favours, to a Province not inconsiderable in the Plantations, nor disaffected to the present Government, as to lay no Acts made here, before his Majesty for his Disallowance, till they have signified their objections to your Excellency, as they now have done, that we may model them according to their Lordships Desire, or give such Reasons as they shall think sufficient for his Majesty's Approbation of them. And we persuade ourselves yonr Excellency can set the Reasonableness of this Desire, in so clear a Light to their Lordships, that they will be induced to think it will be no Diservice to his Majesty, nor inconsistent with the Interest of *Britain* to grant.

Before we enter into any Remarks on their Lordships Objections or rather Observations, on the Act, *for Support of his Majesty's Government here*, we beg your Excellency to call to Mind, the Circumstances of this Colony at the Time of passing this Act, both with Respect to the Inhabitants themselves and to the Government of it, which we presume, if set in its natural Light before their Lordships, and duly considered, they will be of Opinion, that the raising so ample a Support for his Majesty's Government here, and in the Manner it was then done, was not only a Compliance with our Duty, but a more than common Instance of our Affection to it, and the Person by his Majesty placed over it, to whose good Address and Management, it was not a little owing.

The Province laid then under the Burden of a Land Tax, for two fruitless (if not whimsical) Expeditions to *Canada;* and what Support the Government then had, was raised that Way, which though very far short of what your Excellency deemed necessary, yet was an Addition to that Burden, and made the raising of it difficult, occasioned by the Poverty of the People. What was called a Revenue, *viz.* A Tax on Trade, for the Support of the Government was expired; the imprudent Management, and the extravagant Misapplication of that Revenue by former Governors, had created a Debt of about *Forty Thousand Pounds*, which with the Arts used by many, who tho't it their Interest to defeat any Act, that should lay any Tax on Trade, had created such an Aversion in the People, either to the paying of those Debts, or to the raising any Support for the Government that way, which indeed was the only Way that it could be done to any tolerable Effect, that both the one and the other was almost despaired of. As for the payment of the publick Debts, though often recommended by the Earl of *Clarendon* and your Excellency, and at last happily effected; yet the Bulk of them was known to be occasioned, by the Misapplication of the publick Money and the Sense of the Colony, was fully expressed to my Lord *Cornbury*, by the Assembly of that Time, in these Words:—"Since the Peace, this Colony has raised above *Twenty Two Thousand Pounds*, in Publick Money, a great Part of which has been lavished so profusedly, and applied contrary to the Ends for which it was given, and against the express Letter, of both the Letters Patents and Instructions to the late Governor, that it must be no Wonder if the People (Were they able) should be averse to giving, having fresh before their Eyes, such apparent Examples of the unjust and unaccountable Disposition of their Money."

His Lordship's Conduct during his Administration, gave but too much Reason for the Reflection; and by the like Methods added to those Debts; by those Means, the public Credit was brought to the lowest Ebb; Numbers of People was complaining with Warrants on the Government in their Hands, which could not be paid, and Persons of all Ranks were Sufferers for want of that Money which the Assemblies of this Colony had provided, and would have sufficiently prevented most of those Demands, were it not for the gross Misapplication of it; this the Assembly were not insensible of at the Time of paying those Debts, as may appear by the Preamble of the Bill that paid Part of them: However, to restore the public Credit, and add new Vigour to a then languishing Trade, we paid part of those Debts, and struck Bills of Credit to the Value of *Twenty Seven Thousand Six Hundred and Eighty Pounds*, for that Purpose, and have since paid the Remainder, amounting to about *Sixteen Thousand Pounds* more, for which Bills of Credit are also struck.

The great Increase of the Trade and Oppulency of this Province, has been an Effect so visible of this Proceeding, that we are sure your Excellency has not failed of observing it.

The great Aversion of the People in general to lay a Tax upon Trade for the Support of the Government, (though now for the most Part remov'd) you cannot be a Stranger to, nor with the Difficulties that were overcome to obtain the present Settlement; the last of which we recommend to your Excellency to represent to their Lordships, in such Manner as you think will most conduce to the Benefit of this Province; and the first we think cannot be set in a clearer Light, than by a Resolve of the General Assembly of this Colony, made in the Time of

the Right Hon. the Earl of *Clarendon*, then Lord *Cornbury*, before the Revenue expired, in these Words: " *Die Sabatii, September* 11, 1708. *Resolved, That the raising of Money for a Support* " *of the Government, or other necessary Charge, by any Tax, impost or Burden on Goods imported or* " *exported, or any Clog or Hindrance on Traffic or Commerce, is found by Experience to be the* " *Expulsion of many, and the impoverishing of the Rest of the Planters, Freeholders and Inhabitants* " *of this Colony, and of most pernicious Consequence, which if continued, will unavoidably prove the* " *Ruin of the Colony.*"

Though we believe, as our Conduct has shewn, and Experience proves, that the Gentlemen were mistaken in their Sentiments on this Head, yet they spoke the Sense of the Colony they at that time Represented, and which continued to be the Opinion of no small Part of it at the time this Act was passed; so that it was very far from an easy Task to prevail on a People, upon whose Minds the Malversations of a late Administration had made so deep an Impression, to enter into those Measures that they believed the Source of them; and once more to put it into the Power of a Governor to add to the Mischiefs his Predecessor had done. However, the Experience they had of your Prudence and Justice, made them venture, and the Government wanting a Support, Affection, and a Sense of Duty, prevailed, which gave rise to the Act now objected against by their Lordships. And because (as the Act says) the *Indian* Nations were very much wavering in their Faith and Allegiance to the Crown, his Majesty's Forts and Fortifications in this Province very much gone to decay, and the Necessities of the Government in many Cases such, as did demand a more speedy Supply than could from Time to Time come in by the Duties given by this Act; therefore Bills of Credit was struck to answer these then present and pressing Necessities, to the Value of *Six Thousand Pounds.*

Now, we humbly represent to your Excellency (and which we hope will have it's proper Regard at their Lordships Board) that these Expeditions were entered into, these Debts paid, this Government supported by us at the pressing Instances of our Superiors; that it was the King's Governors, in their publick Capacity, that contracted these Debts; that it is the King's Government we support; that upon the Bills of Credit struck to answer these Ends, the Trade, the Well-being and Credit of this Province now depends; that if any Act be repealed, which will affect these Bills (as the Repeal of this will) the Credit of the Whole will sink, and the Trade immediately stagnate, which will prove of much more dangerous Consequence to the Trade and Interest of *Britain*, than a trivial and Inconsiderable Duty of Tonnage, paid by but a few Vessels, can affect their Navigation; and which, by the Way, is avoided in this Act as it now stands; that the Debts will return, and the Number of Sufferers be greater, and what is worse, remediless; and lastly, as the Expeditions, and all abovementioned have been Instances, that there may be sometimes a Necessity to engage the Credit of this Colony, it will render every Thing of that Kind impracticable for the future; which is a Consequence so fatal to his Majesty's Service, that we are sure their Lordships will, if possible, avoid.

As to the Observations their Lordships have made on this Act, we shall now speak to them, and we hope to your Excellency's and their Lordships Satisfaction.

An Act *for a Supply to be granted to his Majesty, for the supporting his Government in the Province of* New York, *and for striking Bills of Credit for that Purpose;* passed in *July*, 1715, will expire in *July*, 1720;

Lays Duties,

For every Pipe of Wine imported directly from the Place of it's Growth, Seven Ounces and an Half of Plate; from any other Place than that of it's Growth, Fifteen Ounces.

There are no Wines Imported from *Great-Britain*, that we know of, and will join with their Lordships in Opinion, that there ought not to be a greater Duty on Wines so imported, than on those imported from the Place of its Growth; it was purely an Omission, and Done without Design.

Query? If any Wines are imported from *Great-Britain*, and if they are liable to the Duty of 15 Ounces, which ought not to be?

Such Importation not having been, but because 'tis possible it may be, we have rectified that Mistake, and put them on the same Foot with Wines directly imported.

For all *European* Goods imported from *Boston*, for every £.100 Value prime Cost, 12 Ounces.

Ditto, imported from any other of his Majesty's Plantations, 18 Ounces and three Quarters of Plate.

The laying a different Duty on *European* Goods imported from the Plantations, from what was paid for Goods Directly imported from *Britain*, was first recommended to the General Assembly of this Colony, in a Speech made to them the 14th of *June*, 1705, by his then Excellency the Lord *Cornbury;* and the thing in itself we take to be reasonable, because it encourages a direct Importation from *Britain*, by which we are supplied with good Commodities, instead of bad, from the Plantations; and are humbly of Opinion, it is of Advantage to the *British* Exportation, and a small Means of encreasing their Navigation, as well as a Benefit to ourselves, we being usually supplied from the Plantations, especially the *West-India* Islands, with the Refuse of their Shops and Ware-Houses, and such, as for the most Part, were rotten or damnified with long lying.

N. B. As no Mention is made of any Duty on *European* Goods imported directly from *Great-Britain: Query*, What Duty do they pay?

N. B. Because no Mention is made of any Duty on *European* Goods directly imported; therefore answer, They pay none. But perhaps their Lordships might suppose they paid a Duty by Virtue of some other Act, and desired to know; your Excellency can easily inform them, there is no Duty laid on them by any Act now in Force, or that has been in Force since the Revenue expired.

But we beg Leave to inform your Excellency, that they formerly paid a Duty of Two and an Half *per Cent.* towards the Support of the Government, which continued a long Time; and since there will be a Deficiency in the last Year of this Act, and their Lordships Objections against the Tonnage of *British* Vessels, will make a further Deficiency, we presume their Lordships cannot be displeased if we revive that Duty to make up that Defect, the Trade of this Province being mostly carried on at the Risque of the Inhabitants of it. Such a Duty will be a Tax only on ourselves; and if any *British* Merchants think it worth their while to adventure any Part of their Stocks in this Trade, it is, as we humbly conceive, not unreasonable they be subjected to the same Duty the Inhabitants are under, in the Case of *European* Goods as well as Wine, imported by them, which their Lordships does not seem to disapprove of, and is paid by the Purchasers or those Commodities, which are the Inhabitants of this Colony.

What relates to the Importation of *Negroes*, is already spoke to; and upon the Whole, we beg your Excellency would assure their Lordships, that as we always have, so we shall be very willing to give a Support for his Majesty's Government here, and, if we can, in such a Manner as will be most agreeable to his Majesty, and most for the Ease of his Subjects; and that at this Time it cannot be effectually done, without an Impost on the Importations or Exportations of this Province.

We are his Majesty's loyall Subjects, and your Excellency's humble Servants.

And

Your Excellency's most obedients Seruants

	R^t^ Livingston Speaker
Leonard Lewis	Lewis Morriss
Jacobus Kip	Cornelis Sebering
A Gaasbeck Chambers	Jacob Ruston
John Stillwell	D. Provoost
William Willett	Joh^s^ Cuyler
Johannes ferbos	Hend^r^ Hansen
Garritt Vanhorne	Andries Coeyemans
Carrill hansen	Peter Harring
Abraham Lakerman	Cornelius Cupper
S. Gerritsen	Tho Willett
Isaaick Hick	John Jansen

Then the Bill Intituled, An Act for the Explaining of Certain Clauses in one Act of the Generall Assembly of this Colony intituled, An Act for a Supply to be Granted to his Majesty for the supporting his Government in the Province of New York and for stricking bill of credit for that purpose pass'd in the year 1715 and for the Explanation of Certain Clauses in an Act of General Assembly of this Colony made in the year 1716 intitled, An Act to oblidge all vessells Trading into this Colony (except such as are therein excepted) to pay a certain Duty and for the further Explanation and making more Effectual Certain Clauses in an Act by which a Duty is laid on all Negroes and other Slaves Imported into this Colony, was read the first time

Ordered a Second Reading

The said Bill was read a Second time & Committed to the Gentlemen of this Board or any five of them

Att a Councill held at fort George in New York, the tenth Day of October, 1718.

Present — *His Excellency* Robert Hunter, Esqr, &c.,

Coll Depeyster,	Mr Philips,
Capt Walter,	Tho Byerly,
Coll Beekman,	Geo Clarke,
Mr Vandam,	Doctor Johnson.

Geo Clarke Reported from the Committee to whom was Committed the Bill Intitled, An Act for the Explaining of certain clauses in one Act of the General Assembly of this Colony Intitled, An Act for a Supply to be granted to his Maj^tye^ for the Supporting his Government in

the Province of Newyork and for strickeing bills of Credit for that purpose passed in the year 1715 and for the Explanation of certain clauses in an Act of General Assembly of this Colony made in the year 1716 Intitled, on An Act to oblidge all vessels Trading into this Colony (except such as are therein Excepted) to pay a certain Duty and for the further Explanacōn and making more Effactual certain clauses in an Act by which a Duty is laid on all Negroes and other Slaves imported into this Colony, that they have gone through the said Bill without any Amendment

Ordered, that the said Bill be read the third time

Then the said Bill was read the Third time and passt without Amendment

Ordered, that Geo Clarke Esqr do acquaint the Assembly that this Board doe agree to the said Bill without any Amendment

Att a Councill held at fort George in New York, the forteenth Day of October, 1718.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll DEPEYSTER,
Coll BEEKMAN,
Mr VANDAM,
Mr BARBERY,
Mr BYERLY,
Doctor JOHNSON.

A Message from the Assembly by Coll Rutson that they had passt a bill Intitled, An Act to Enable the Treasurer of this Colony to Remitt to Ambrose Philips Esqr the sum of one hundred eighty seven ounces and one half of plate for the service of this Colony and desired the concurrence of this Board thereto ; then the same was read the first time

Ordered, a Second Reading

The Speaker of the Assembly attended by the whole house addressed his Excellency concerning the Evil Treatment the Ships of this place have mett with from the Subjects of the King of Spain.

The Bill Intitled, An Act to Enable the Treasurer of this Colony to Remitt to Ambrose Philips Esqr the Sum of one hundred Eighty Seven Ounces and one half of Plate for the Service of this Colony, was read the Second time & Committed to the Gentlemen of this Board or any five of them

Att a Councill held at fort George in Newyork, the 15th *day of October*, 1718.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr,

Coll DE PEYSTER,
Capt WALTER,
Coll BEEKMAN,
Mr VANDAM,
Mr BARBERIE,
Mr BYERLY,
Doctor JOHNSON.

Coll Depeyster Chairman of the Committee to whom was referred the Bill Intitled, An Act to Enable the Treasurer of this Colony to remitt to Ambrose Philipse Esqr the Sum of one hundred Eighty Seven Ounces and one half of Plate for the Service of this Collony Reported that they had gone thro the Said Bill without Any Amendment

Ordered, That the Said Bill be read the third time

Then the Said Bill was Read ye third time and past

Ordered, that Coll Depeyster do Acquaint the Assembly that this Board has passt the Said Bill without Amendment

Doctor Johnson Chairman of the Committee to whom was Referred the Bill Intitled, An Act for paying the Quantity of fifty three ounces and one half of plate unto Johannes Vanzant and the Quantity of twelve ounces and one half of Plate unto Willimpie Uytden Bogart Widow Reports that they have gone thro' the Said bill without any Amendment

Ordered, that the Said Bill be read the third time

Then the Said Bill was read the third time and past

Ordered, that Doctor Johnson do Acquaint the Assembly that this Board has passt said Bill without amendment

Att a Councill held at fort george in Newyork, ye 16th day of October, 1718.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr,

Coll DEPEYSTER,
Capt WALTER,
Coll BEEKMAN,
Mr VANDAM,
Mr PHILIPS,
Mr BYERLY,
Doctor JOHNSON.

Mr Philips Reported from the Committee to whom was Referred the Bill Intitled, An Act for Settleing the Boundaries between ye Lands Granted by patents unto Cornelius Coel, Adrian Gerritse, Mathias Ten Eyck, Jacobus Dubois, Johannes Schepmoes, Roelof Swartwout, Cornelius Lammerse. Peter Peterse, Lawrence Osterhout, and Jannetie Newkerk Situate lying and being in the county of Ulster commonly called the Town of Hurley and the Land Granted by Patent unto Coll Henry Beekman, Capt Thomas Garton and Capt Charles Broadhead Trustees for & on the behalf of the Inhabitants of the toun of Marbletown in the County of Ulster aforesaid that they had gone thro' the Said bill & made thereto the following amendments, to witt,

folio 2^d Line 5th After (the) and before the word (most) Insert these words (bounds of the new Palts and So along the Said bound untill it meets with the)

folio 2^d Line 5th After the word (northmost) and before the word (of) Insert the word (bounds)

folio 2^d Line Penult from the word (notwitstanding) Leave out all to the Ends of the Bill

Which Amendments being read were agreed to by this Board

Ordered, that ye Said Bill be read a third time with the Amendments

Then the Said Bill was read a third time with the amendments

Ordered, that the Said Bill do pass with the Amendments

Ordered, That Mr Philipse do Carry Said Bill with the amendments to the Assembly and desire their Concurrence thereto

Mr Philips desired his Dissent might be Entered to the Said Bill which was accordingly

Ordered to be intered by this Board

Att a Councill held at fort George in Newyork, the 16th day of October, 1718, P. M.

PRESENT — *His Excellency* ROBERT HUNTER, Esqr,

Coll DEPEYSTER,
Capt WALTER,
Coll BEEKMAN,
Mr CLARKE,
Doctor JOHNSON.

A Message from the Assembly by Coll Rutsen that they had agreed to the Amendments made by This board to the Bill Intitled, An Act for Setleing the Boundaries between the Lands Granted by Patents unto Cornelius Coel, Adrian Gerritse, Mathias Ten Eyck, Jacobus Dubois, Johannes Schepmoes, Roelof Swartwout, Cornelius Lammerse & Situate Lying and being in the County of Ulster commonly called the Town of Hurley and the Lands Granted by Patent unto Coll henry Beekman, Capt thomas Garton and Capt Charles Broadhead Trustees for & on the behalf of the Inhabitants of the town of Marbletown in the County of Ulster.

His Excellency haveing Sent the Clerck of the Councill to require the attendance of the Assembly and they attending accordingly his Excellency Gave his Assent to the following Bills to witt,

An Act for Reviveing An Act of General Assembly Entitled, An Act for the Easyer partition of Lands in Jointtenancy or in common and makeing the Same more usefull and Effectual for the purposes therin mentioned Also

An Act for the Explaining of certain Clauses in An Act of the Generall Assembly of this Colony Intitled, An Act for a Supply to be Granted to his Majesty for the supporting his Government in the Province of Newyork and for Strickeing Bills of Credit for that purpose pass'd in the year 1715 and for the Explanation of Certain Clauses in An Act of General Assembly of this Colony made in the year 1716 Entitled, An Act to Oblidge all Vessells trading into this Colony (Except Such as are therin Excepted) to pay a Certain Duty and for the further Explanation and makeing more Effectual Certain Clauses in An Act by which a Duty is laid on all Negroes & other Slaves Imported unto this Colony Also

An Act to Enable the Treasurer of this Colony to Remitt to Ambrose Philips Esqr the Sum of one hundred eighty Seven ounces & one half of Plate for the Service of this Colony Also

An Act for paying the Quantity of fifty three ounces & one half of plate unto Johannes Vanzant and the quantity of twelve ounces and one half of plate unto Willimpie Uytden Bogart Widow. Also

An Act for Setleing the Boundaries betwen the Lands Granted by patent unto Cornelius Coel, Adrian Gerritse, Mathias Ten Eyck, Jacobus Dubois, Johannis Schipmoes, Roelof Swartwout, Cornelius Lammerse, Peter Peterse, Lawrence Oosterhout and Jannetie Newkirk Situate Lying and being in the County of Ulster Commonly called the town of Hurly and the Lands Granted by Patents unto Coll henry Beekman Capt Thomas Garton and Capt Charles Broadhead Trustees for and on the behalf of the Inhabitants of the town of Marbletown in the County of Ulster Aforesaid

[N. Y. COL. MSS., LXI., 79.]

By his Excellency

ROBERT HUNTER Esqr Capt Gen^ll & Governour in Chief of the Provinces of New York and New Jersey and Territories thereon Depending in America & Vice Admiral of the Same &c

A PROCLAMATION

WHEREAS the General Assembly of the province of New York stands adjourned to this day But there not being a Sufficient number of the members come to proceed upon business I have therefore for his Majestys service thought fitt to adjourn the Said General Assembly and I doe by vertue of the power and authority unto me granted by his Majesty under the Broad Seal of Great Brittain hereby further adjourn the Said General Assembly of the Said province untill Tuesday the fourteenth Instant then to meet at the City of Newyork Whereof all his Majestys Subjects in the Said province are to take Notice and Govern themselves accordingly

Given under my hand and Seal at Fort George in *Newyork* the Seventh day of Aprile in the fifth year of his Majestys Reign Annoq Domin 1719:

Ro: HUNTER.

By his Excellencys Command
Ja: Alexander Depty Secry

God save the KING

SEVENTEENTH ASSEMBLY SEVENTH SESSIONS

Att a Councill held at fort George in Newyork, the 28th day of Aprile, 1719.

Present — *His Excellency* Robt Hunter, Esqr, &c.,

Coll Beekman,
Mr Barberie,
Mr Vandam,
Mr Phillips,
Coll Byerley,
Doctor Johnston.

His Excellency acquainted this board that by Reason of the bad state of health he was in, he had Resolved to send by way of Message to the house of Representatives what he had designed to Recommend to them in a Speech now at the opening of this Session of Assembly.

Then his Excellency communicated the said Message to this Board which is in the words following:

Gentlemen,

My present state of Health obliges me to send in writing what I had to ReCōmend to you at the opening of the Session to day. I was solicitous that you should meet at this time, that we might be in a Readiness to put in Execution such orders as his Majesty might think necessary to send us, in relation to the Just and necessary war he has declared against Spain. The ship which,

probably, brings these orders is not yet arrived but harly Excepted,* the news you have had of that Enemy's design'd attempt upon the Kingdon of Ireland, will easily persuade you, that how Improbable so ever, an Enterprize of the Like nature upon these parts, may appear to be it is not Impossible especially considering the daily Reports of their Equippeing of Ships of war in their American ports. fury and Resentment may Carry them thither where they think they may do the greatest and cheapest Damage.

I look upon the Militia, with the Regular force we have to be a sufficient guard to the Province. But I think, that for the better Defence of this city. there is a necessité of Renewing and Repairing the two Low Batteries at the Entrance of this Haven which are entierly Ruined by the Injuries of time and Tempests for that purpose I desire you would prepare a Bill for the Defraying that Expence, and if you think fit in the meantime, to passe a vote of Credit for that use, I shall set to work immediately that no time may be Lost.

In the next place, it will be necessary that you inform your selves from your Treasurer, and the officers, of the present state of the Revenue that you may in time provide for the Deficiency in these funds in this insueing last year of their Date which was foreseen, and I doubt you will find it to be considerable, as well as the ways and means for the future support of his Majestys Government here, toward which you have ever shown the warmest zeal and affection

The Late attempt of some wicked men to conterfeit your Bills of Credit, I hope, is in a great measure Disappointed by the early Discovery, and the flight of the persons Guilty, in all appearance. for the finding out, and securing of whom, I have used all possible dilligence. I submit it to you, whether it may not be necessary to pass alaw forbidding the currency of all Bills above a certain value, which shall be pasted on the back side, after a certain time fixt, by which time the Treasurer may change true Bills, so pasted with others which he is to sink ; for this counterfeit is concealed by the means of such pasting, as these false Bills will convince you.

You know that the time approaches when your country affairs will require your Recess, that will induce you to give all Due Dispatch to business before you. I shall acquaint you, from time to time, what occururs to me which may be necessary for your consideration

Ro: Hunter

Ordered, that the Clerk of the Councill do carry the same to the house of Representatives

Att a Councill held at fort George in Newyork the 30th *of Aprile*, 1719.

Present— *His Excellency* Robt Hunter, Esqr, &c.,

Robt Walter,
Coll Beekman,
Mr Barberie,
Coll Heathcot,
Coll Byerly,
Geo Clarke Esqr
Doctor Johnston.

A Message from the Genll Assembly by Coll Morris and Coll Provost acquainting his Excellency that the General Assembly had agreed upon an Adress to his Excellency and Desireing he would Let the house know when his Excellency would be pleased to admitt them to wait on him with it

His Excellency appointed them to attend him immediatly

The General Assembly attending, their Speaker presented to his Excellency an Adress in these words

To his Excellency Robt Hunter Esqr Captain Genl and Governour in Chief of the provinces of Newyork, Newjersey and Territories thereon Depending in America, and vice admirall of the same &c

The humble Address of the Genll Assembly of his Majestys Colony of Newyork.

Sr

We are truly sorrowfull, as wee beleive every good man under your Government is, for your Excellency's Indisposition but hope it will not be of any Long Duration or render you Incapable of continuing your good offices to the People of this province and care for the welfare of it.

The Endeavour you have us'd to apprehend The Persons Supposed Guilty of Counterfeiting The publick Bills of Creditt we hope will at Least be attended with the Desired effect of bringing them to Publick Justice and in the meantime put a stop to the Currency of such Bills, wee will consider that, and all the other parts of your Excellency's Speech, and will Endeavour to do what will be most conducive to his Majesties service and the benefit of this province

* *Sic.* for, hourly expected.

Wee thank you for your kind Expressions to us and will make it our study always to Deserve your Esteem and his Majesties favourable opinion Notwithstanding the attempts wee are informed have been made by some Persons strangers to us and our affaires, to Give his Majestie and our Superiours Different sentiments of an Assembly who wee perswade our selves you Beleive have Given manifest Proofs of their Duty and affection

The Petitions and memorials they made to Traduce us, Wee are told have been Transmitted to your Excellency which we pray you would order to be Laid before us that wee may have an opportunity of Vindicating our Innocency

By order of the General Assembly
R^t LIVINGSTON, Speaker

Die Jovis 30th April 1719.
G Ludlow Cl.

Att a Councill held at fort George in Newyork, the 21st day of May, 1719.

PRESENT — *His Excellency* ROB^t HUNTER, Esqr, &c.,

Coll DEPEYSTER,
Robt WALTER,
Coll BEEKMAN,
THOMAS BYERLY,
Doctor JOHNSTON.

A Message from the house of Representatives by Coll Rutsen Dated the 20th of May 1719 with the Bill Intitled, An Act Reviveing An Act Intitled, An Act appointing an Agent for this Colony at the Court of Great Brittain & for Raising of money annually to Defray the charge thereof in the Room of John Champanty Esqr Deceased acquainting this board that they had past the same and Desireing the concurrence of this Board thereto

Ordered, that Said Bill be read the first time

Then the Said Bill was read the first time and

Ordered, a Second Reading

A Message from the house of Representatives by Coll Provost dated the 14th of May 1719 with the Bill Intitled, An Act Reviveing An Act Intitled, An Act for Laying a Duty in goods sold by Vendue or Acquainting this Board that they had past the Same and Desireing the Concurence of this Board therto

Ordered, That Said Bill be read the first time

Then the Said Bill was read the first time and

Ordered, a Second Reading

A Message from the house of Representatives by Mr Cuyler dated the 20th of May 1719 with the Bill Intitled, An Act for reviveing An Act Entitled, An Act for Regulating Slaves Acquainting this Board that they had past the Same and Desireing the Concurrence of this Board therto.

Ordered, that the Said Bill be read the first time

Then the Said Bill was read the first time and

Ordered a Second Reading

The Memorial of Thomas Byerly Esqr Collector and Receiver Gen^ll of his Majesty's province of Newyork Desireing this board to Recommend the further Repair of the Custom house to the house of Representatives was read

Then Mr Vandam took his place

A Message from the house of Representatives by Capt Lewis Dated 20th of May 1719 with the Bill Intitled, An Act for reviveing An Act Intitled, An Act for the regulating and Returning able and Sufficient Jurors in Tryals at Law Acqainting this Board that they had past the Same and Desireing the Concurrence of this Board thereto

Ordered, that Said Bill be Read the first time

Then Said Bill was Read the first time and

Ordered a Second Reading

Att a Councill held at Fort George in New York, the Second day of June, 1719.

PRESENT — *His Excellency* ROB^t HUNTER, Esqr, &c.,

Coll DEPEYSTER,
Coll BEEKMAN,
Mr BARBERIE,
M^r VAN DAM,
Mr PHILLIPSE.

A Message from the House of Representatives dated the twenty Seventh of May 1719 by Mr Lakerman with the Bill Intitled, An Act for Repealing an Exception or provisoe Mentioned

and Expressed in one Act of General Assembly Intituled, An Act for the better Laying out Clearing and preserving Publick Common Highways in this Colony and for the Erecting and Building a County Goal and County House in the County of Richmond, acquainting this Board that they had past the Same and Desired the Concurrence of this Board thereto

Ordered, that Said Bill be Read the first time

Then Said Bill was Read the first time and

Ordered, a Second Reading

A Message from the House of Representatives dated the 22d of May 1719 by Mr Carrell Hansen with the Bill Entituled, An Act for Raiseing of Sixty Ounces of Plate for the Township of Schenectady in the County of Albany, Acquainting this Board that they had past the Same and Desireing the concurrence of this Board thereto.

Ordered, that Said Bill be Read the first time

Then Said Bill was Read the first time and

Ordered a Second Reading

Att a Councill held at Fort George in New York, the fourth Day of June, 1719.

PRESENT — *His Exc* ROBERT HUNTER, Esqr, &c.,

Coll DEPEYSTER,
Coll BEEKMAN,
Mr BARBERIE,
Mr VAN DAM,
Mr BYERLEY.

The Bill Intitled, An Act Reviveing An Act Intitled, An Act for the Regulating and Returning able and sufficient Jurors in Tryals at Law was Read the Second time and Committed to the Gent. of this Board or any five of them

The Bill Intitled, An Act Reviveing An Act Intitled, An Act appointing an Agent for this Colony at The Court of Great Britain and for raiseing of money annually to Defray the charge thereof in the Room of John Champanty Esqr Deceased was Read the Second time and Committed to the Gent. of this Board or any five of them

The Bill Intitled, An Act for Reviveing An Act for Regulateing Slaves was Read the Second time and Committed to the Gent. of this Board or any five of them

The Bill Intitled, An Act Reviveing An Act Intitled An Act for Laying a Duty on Goods sold by Auction Vendue or Outcry was Read the Second time and Committed to the Gent. of this Board or any five of them

The Bill Intitled, An Act for Repealing an Exception or Provisoe mentioned and Expressed in one Act of General Assembly Intitled, An Act for the better Laying out clearing and preserving Publick Common Highways in this Colony and for the Erecting and Building a County Goal and County House in the County of Richmond was Read the Second time and Committed to the Gent. of this Board or any five of them

The Bill Intitled, An Act for Raiseing of Sixty ounces of Plate for the Township of Schenectady in the County of Albany was Read the Second time and Committed to the Gent. of this Board or any five of them

A Message from the House of Representatives Dated the 2d Day of June 1719 By Mr Hendrick Hansen with the Bill Intitled, An Act to authorize the Justices of the Peace to Build and Repair Goals and Court Houses in the several counties of this Province acquainting this Board that they had past the same and desireing the Concurrence of this Board thereto

Ordered, that said Bill be Read the first time

Then said Bill was Read the first time and

Ordered a Second Reading

Att a Councill held at fort George in Newyork, the 11th of June, 1719.

PRESENT — *His Excellency* ROBt HUNTER, Esqr, &c.,

Capt WALTER,
Coll BEEKMAN,
Coll HEATHCOTT,
RIP VANDAM,
Mr PHILLIPSE,
Mr BYERLEY,
Doctor JOHNSTON.

A Message from the house of Representatives with the Bill Intitled, An Act to Elect Supervisors in Dutchess County dated the tenth of june 1719 by Mr Terbush acquainting this Board that they had past the same and Desireing the Concurrence of this Board thereto

Ordered, that said Bill be read the first time

Then said Bill was read the first time and

Ordered a Second Reading

A Message from the house of Representatives Dated the tenth day of june 1719 by Captn Cuyper with the Bill intitled, An Act to Enable the precincts of Haverstraw in the County of Orange to Cause a Supervisor, a Collector, two Assessors, one Constable & two oversiers of high ways, acquainting this Board that they had past the same, and Desireing the Concurrence of this Board thereto

Ordered, that said Bill be read the first time.

Then said Bill was read the first time &

Ordered a Second Reading

A Message from the house of Representatives Dated the tenth day of june 1719 by Major Seberingh with the Bill Intitled, An Act for naturalizeing Tedeus Beekman, Jan Van Taerlingh & Pieter Vander Lyn acquainting this Board that they had past the same and Desireing the Concurrence of this Board therto

Ordered, that said Bill be read the first time

Then said Bill was read the first time and

Ordered a Second Reading.

The Bill Intitled, An Act to authorize the Justices of the peace to build and Repair Goales and Court houses in the several Counties of this province was read a Second time and Committed to any five or more of the Gent. of this Board

The Bill Intitled, An Act to Elect Supervisors in Dutchess County was read a Second time and Committed to the Gent. of this Board or any five of them

The Bill Intitled, An Act to Enable the precincts of Haverstraw in the County of Orange to Chuse a Superviser, a Collector, two Assessors, one Constable and two oversiers of highways was read the Second time & Committed to the Gent. of this Board

The Bill Intitled, An Act for Naturalizeing Tedeus Beekman, Jan Van Taerlingh & Pieter Vanderlyn was read a Second time and Committed to any five or more of the Gent. of this Board

At a Councill held at fort George in Newyork, June the 13th, 1719.

PRESENT — *His Excellency* ROB^t HUNTER, Esqr, &c.,

Capt WALTER,	Mr PHILLIPSE,
Coll BEEKMAN,	Mr BYERLY,
Mr BARBERIE,	Doctor JOHNSTON.

A Message from the house of Representatives with the Bill Intitled, An Act for Distroying Wolves in Dutchess County Dated the twelve of june by Capt Lewis acquainting this Board that they had past the same and Desired the Concurrence of this Board thereto.

Ordered, that said Bill be read the first time

Then said Bill was read the first time and

Ordered a Second Reading

Coll Beekman for Coll Depeyster Chairman of the Committee to whom was Referred the Bill Intitled, An Act reviveing An Act Intitled, An Act appointing an Agent for this Colony at the Court of Great Brittain and for raiseing of money annualy to Defray the charge thereof in the room of John Champanty Esqr Deceased, reported that they had gone through the same and made no amendment therto

Ordered, that said Bill be read the third time

Then said Bill was read the third time and past

Coll Beekman for Coll Depeyster Chairman of the Committee to whom was Referred the Bill Intitled, An Act reviveing An Act Entitled, An Act for the Regulateing and Returning able and sufficient Jurors in Tryals at Law reported that they had gone through the said Bill with out Amendment

Ordered, that said Bill be read the third time

Then said Bill was read the third time and past

Coll Beekman for Coll Depeyster Chairman of the Committee to whom was Referred the Bill Intitled, An Act to Elect Supervisors in Dutchess County, reported that they had gone the same without any Amendment

Ordered, that said Bill be read the third time

Then said Bill was Read the third time and past

Coll Beekman for Coll Depeyster Chairman of the Committee to whom was Referred the Bill Intitled, An Act to Enable the precincts of Haverstraw in the County of Orange to Chuse a Superviser, a Collector, two Assessors, one Constable and two Oversiers of highways, reported that they had gone through the same and made no Amendment therto

Ordered, that said Bill be Read the 3^d time

Then said Bill was read the third time & past

Coll Beekman for Coll Depeyster Chairman of the Committee to whom was Referred the Bill Intitled, An Act for repealing an Exception or provisoe mentioned and Expressed in one Act of General Assembly Entitled, An Act for the better Laying out, clearing and preserving publick cōmon highways in this Colony & for the Erecting and building a County Goal & County house in the County of Richmond, reported that they had gone through the same and made no Amendment thereto

Ordered, that said Bill be read the third time

Then said Bill was read the third time & past

Coll Beekman for Coll D Peyster Chairman of the Committee to whom was Referred the Bill Intitled, An Act for raiseing of Sixty ounces of plate for the Township of Schenectadie in the County of Albany, reported that they had gone through the same without any Amendment

Ordered, that the said Bill be read the third time

Then the said Bill was read the third time & past

Coll Beekman for Coll Depeyster Chairman of the Committee to whom was Referred the Bill Intitled, An Act for Regulating Slaves, reported that they had gone through the same without any Amendment

Ordered, that the said Bill be read the third time

Then said Bill was read the third time and past

Ordered, that Coll Beekman do acquaint the house of Representatives that this Board has past the Last seven Bills without Amendment

Att a Councill held at fort George in Newyork, the 16th *of June*, 1719.

PRESENT — *His Excellency* ROBt HUNTER, Esqr, &c.,

Coll BEEKMAN,
RIP VANDAM,
Mr BARBERIE,
Mr BYERLY,
Doctor JOHNSTON.

The Report of the Repairs that are wanting for the Custom house of New York being read this Board recommends it to the Consideration of the house of Representatives

Coll Beekman Chairman of the Committee to whom was Referred the Bill Entitled, An Act for Naturalizeing Tedius Beekman, Jan Van Tearling and Pieter Vanderlyn, Reported that they had gone through the same without amendment

Ordered that the said Bill be Read the third time

Then the said Bill was read the third time & past

Ordered, that Coll Beekman do acquaint the house of Representatives that this Board has past the said Bill without Amendment

Mr Barberie Chairman of the Committee to whom was referred the Bill Intitled, An Act for Annulling and makeing void a fraudulent Conveyance of Mary Davenport made by her when she was sole, reported that they had gone through the same without Amendment

Then the Petition of Edward Pennant praying the said Bill be recommitted, was read

Ordered, that said Bill be Recommitted to the Gentlemen of this Board or any five of them.

Att a Councill held at fort George in Newyork, the 17th *day of June*, 1719.

PRESENT — *His Excellency* ROBt HUNTER, Esqr, &c.,

Coll DEPEYSTER,
Capt WALTERS,
Coll BEEKMAN,
Coll BYERLEY,
Mr CLARKE,
Doctor JOHNSTON.

A Message from the house of Representatives by Alderman Kip dated the 11th of june 1719 with the Bill Intitled, An Act Laying a Duty on all Empty Cask Imported into this Colony, Acquainting this Board that they had past the Same and Desireing the Concurrence of this Board thereto

Ordered, that Said Bill be Read the first time

Then Said bill was read the first time and

Ordered a Second Reading

A Message from the house of Representatives by Coll Morris and Coll Provost dated the 16th day of june 1719 with the Bill Intitled, An Act for a Supply to be granted to his Majesty for Supporting his Government in the province of Newyork from the first day of july wch Shall be in the Year of our Lord One thousand Seven hundred and twenty untill the first day of july

One thousand Seven hundred and twenty one, Acquainting this Board that they had past the Same & Desireing the Concurrence of this Board thereto

Ordered, that Said Bill be read the first time

Then Said Bill was read the first time and

Ordered a Second Reading

A Message from the house of Representatives by Coll Hicks dated the Sixth day of june 1719 with the Bill Intitled, An Act to prevent Rams running at Large in the Township of Hemstead in Queens County, Acquainting this Board that they had past the Same and Desireing the Concurrence of this Board therto

Ordered, that Said Bill be read the first time

Then Said Bill was read the first time and

Ordered a Second Reading

A Message from the house of Representatives by Capt Budd dated the Sixteenth day of june 1719 with the Bill Intitled, An Act to Enable the Justices Inhabiteing in the parish of Rye & the Vestreymen of the Said parish or the Major part of them to raise a Certain Sum of money for the keeping in Repair the parish Church of the Said parish, Acquainting this Board that they had past the Same & Desireing the Concurrence of this Board thereto

Ordered, that Said Bill be read the first time

Then Said Bill was read the first time &

Ordered, a Second Reading.

A Message from the house of Representatives by Mr Coemans dated the 16th day of june 1719 with the Bill Intitled, An Act for building a Bridge over the Creek or kill called Kinder-hooks Creek or kill in the County ot Albany & for Altering the highways in that part of the Said County, Acquainting this Board that they had past the Same and Desireing the Concurrence of this Board therto

Ordered, that Said Bill be read the first time

Then Said Bill was read the first time and

Ordered a Second reading

The Bill Intitled, An Act Laying a Duty on all Empty Cask Imported into this Colony, was read a Second time and Committed to the Gentlemen of this Board or any five of them

The Bill Intitled, An Act for a Supply to be granted to his Majesty for Supporting his Government in the province of Newyork from the first day of jully which shall be in the year of our Lord One thousand Seven hundred and twenty untill the first day of july One thousand Seven hundred and twenty One, was read a Second Time and Committed to any five or more of the Gent. of this Board.

The Bill Intitled, An Act to prevent Rams running at Large in the Township of Hemstead in Queens County, was read the second time & Committed to the Gent of this Board or any five of them

The Bill Intitled, An Act to Enable the Justices Inhabiteing in the parish of Rye & the Vestreymen of the parish or the major part of them to raise a certain sum of Money for keeping in repair the parish Church of the said parish, was read the second time & Committed to the Gent of this Board or any five of them

The Bill Intitled, An Act for building a bridge over the creek or kill called the Kinder hook creek or kill in the County of Albany and for Altering the highway in that part of the said County, was read the second time and Committed to any five or more of the Gent of this Board

At a Councill held at fort George in Newyork, the 18th *day of June*, 1719.

PRESENT — *His Excellency* ROBT HUNTER, Esqr, &c.,

Col D'PEYSTER,	Mr BARBERIE,
ROBTt. WALTER,	Mr PHILLIPSE,
Coll BEEKMAN,	Mr CLARKE,
RIP VANDAM,	Doctor JOHNSTONN.
Coll HEATCOTT,	

Coll Beekman Chairman of the committee to whom was Referred the Bill Intitled, An Act to Authorize the Justices of the peace to build and Repair Goals and Court houses in the several Counties of this province, Reported that they had gone through the same without Amendment

Ordered, that said Bill be Read the third time

Then said Bill was read the third time and past without amendmt

Coll Beekman Chairman of the committee to whom was Referred the Bill Intitled, An Act for reviveing An Act intitled, An Act for Laying a Duty on goods sold by Auction, Vendue or Out Cry, reported that said Committee has gone through the same without Amendment

Ordered, that said Bill be read the third time

Then said Bill was read the third time & past without Amendm^t

Coll Beekman Chairman of the Committee to whom was Referred the Bill Intitled, An Act for Destroying Wolves in Dutchess County, Reported that they had gone through the same without Amendment

Ordered, that said Bill be read the third time

Then said Bill was read the third time & past without Amendment

Coll Beekman Chairman of the Committee to whom was Referred the Bill Intitled, An Act for building a bridge over the Creek or Kill* in the County of Albany & for Altering the highway in that part of the said County, reported that they had gone through the same without Amendm^t

Ordered, that said Bill be read the third time

Then said Bill was read the third time and past without Amendment

Coll Beekman Chairman of the Committee to whom was Referred the Bill Intitled, An Act to prevent Rams running at Large in the Township of Hemstead in Queens County, Reported that said Committee had gone through the same without Amendment

Ordered, that said Bill be read the third time

Then said Bill was read the third time and past without Amendment

Coll Beekman Chairman of the Committee to whom was referred the Bill Intitled, An Act to Enable the Justices inhabiteing in the parish of Rye and the Vestreymen of the said parish or the major part of them to raise a certain sum of money for the keeping in repair the parish church of the said parish, Reported that said Committee had gone through the same without Amendment

Ordered, that said Bill be read the third time

Then said Bill was read the third time & past without Amendm^t

Coll Beekman Chairman of the Committee to whom was referred the Bill Intitled, An Act Laying a Duty on all Empty Cask Imported into this Colony, Reported that they had gone through the same without Amendment

Ordered, that said Bill be read the third time

Then said Bill was read the third time and past

Ordered, that Coll Beekman do acquaint the house of Representatives this Board has past said Bills without Amendment

Att a Councill held at fort George in Newyork, the 20th day of june, 1719.

PRESENT — *His Excellency* ROB^t HUNTER, Esqr, &c.,

Coll DEPEYSTER,	Mr BARBERIE,
Capt WALTER,	Mr PHILLIPSE,
Coll BEEKMAN,	Mr BYERLY,
M^r VAN DAM,	GEORGE CLARKE,
Coll HEATHCOTT,	Doctor JOHNSTON.

George Clarke Esqr Chairman of the Committee to whom was referred the Bill Intitled, An Act for a supply to be granted to his Majesty for Supporting his Governm^t in the province of Newyork from the first day of july which shall be in the year of our Lord one thousand seven hundred and twenty untill the first day of july one thousand seven hundred and twenty one, acquainted this Board that said Committee had gone through the said Bill and made several amendments thereto which he was ready to Report when this Board should please to Receive the same

Ordered, that said report be made immediatly

Then said George Clarke reported the several Amendments in his place

And the vote being put, Agree or Disagree to each of them, they were severally disagreed to by this Board

And the vote being put whether the said Bill should be read the third time without Amendment?

It was carried in the affirmative

Ordered, that said Bill be read the third time without Amendment

Then said Bill was read the third time without Amendment

And the vote being put whether the said Bill should pass without Amendment or not?

It was carried in the affirmative

Ordered, that said Bill do pass without amendment

Ordered, that George Clarke Esqr do Acquaint the house of Representatives that this Board has past said Bill without amendment.

A Message from the House of Representatives by Capt Terbush dated the nineteenth of june 1719 with the Bill Intitled An Act for setling the Estate of Thomas Lewis late of the City of

* called Kinderhook Creek or Kill

Newyork deceased acquainting this Board that they had past the same and Desireing the Concurrence of this Board thereto

Ordered, that said Bill be Read the first time

Then Said Bill was read the first time &

Ordered a Second Reading

Edward Pennant haveing with Drawn his petition for Recommittment of the Bill Intitled, An Act for Annulling and makeing void a fraudulent Conveyance of Mary Davenport made by her when She was Sole &c and prayed that Said Bill might pass

Ordered, that Said Bill be read the third time

Then Said Bill was read the third time

And the vote being put, Whether the Said Bill Should pass or not?

It was Carried in the Affirmative.

Ordered, that Said bill do pass.

Ordered, that Mr Barberie do Acquaint the house of Representatives that this Board has past Said Bill without Amendment

The Bill Intitled, An Act for Settling the Estate of Thomas Lewis late of the City of Newyork Deceased, was read the Second time and Committed to the Gent. of this Board or any five of them

Att a Councill held at fort George in New York, the 24th of June, 1719.

PRESENT — *His Excelly* Robt HUNTER, Esqr, &c.,

Coll DEPEYSTER, Coll BEEKMAN, Coll HEATCOTT, Mr BARBERIE, Mr PHILIPSE.

Coll Beekman Chairman of the Committee to whom was referred the Bill Entituled, An Act for Setling the Estate of Thos Lewis late of the City of New York Deceased, Reported that they had gone through the Same without Amendment

Ordered, the Said Bill be read the third time.

The Said Bill was read the third time and past without Amendment.

Ordered, Coll Beekman do Acquaint the house of Representatives this Board has past the Said Bill without Amendmt

A Message from the House of Representatives by Capt Budd Dated the 24th of June 1719 with the Bill Entituled, An Act for Running and Assertaining the Lines of Partition and Division Betwixt this Colony and the Colony of Connecticut, Acquainting this Board that they had past the Same and Desiring the Concurrence of this Board thereto

Ordered, that the Said Bill be Read the first time

Then Said Bill was read the first time and

Ordered a Second Reading

The Said Bill read the Second time and Committed to the Gentlemen of this Beard or any five of them

A Message from this Board to the house of Representatives requiering their Immediate attendance, which they Accordingly Attended with their Speaker, his Excellency made to them the following Speech vizt

Gentlemen,

I have now Sent for you that you may be Witnesses to my Assent to the Acts pass'd by the Generall Assembly in this Session, I hope that what remains unfinished may be perfected to morrow when I intend to put a Close to this Session

I take this opportunity also to Acquaint you that my late Uncertain State of health the Care of my Little familly and my private affaires on the other Side have at Last Determined me to make use of that Lysence of Absence which has been Some time Ago So Graciously Granted to me But with a ffirm Resolution to Return to you again If it is his Majestys pleasure that I should do So, but if that proves otherwise I Assure you that whilst I live I shall be Watchfull and Industrious to promote the Interest and Wellfare of this Country of which I think I am under the Strongest obligations for the future to Account myself a Countreyman

I look with pleasure on the Present Quiet and flourishing state of the People here whilst I Reflect on that which I found them at my arrival as the very name of party and faction seems to be forgott; may it forever Lye Buried in oblivion, and no strife ever happen amongst you but that Laudable Emulation who shall approve himself the most zealous servant and most dutyfull subject to the best of princes, and most usefull member of a well Establisht and flourishing Community of which you Gentlemen have Given a happy Example, which I hope will be followed by future Assemblys. I mention it to your Honor and without Ingratitude and Breach of Duty I could do no Less

RO. HUNTER

His Excellency Gave his Assent to the following Acts vizt.

An Act for a Supply to be Granted to his Majesty for Supporting his Government

An Act for Reviving An Act Entituled, An Act for the Regulating and Returning able and sufficient Jurors in Tryalls at law

An Act Reviveing An Act Entituled, An Act for Laying a Duty on Goods sold by Auction Vendue or Out Cry

An Act Laying a Duty on all Empty Casks Imported into this Colony

An Act for Reviveing An Act for Regulating Slaves

An Act Reviveing An Act Entituled, An Act appointing an Agent for this Colony at the Court of great Brittain and for Raising of money annually to Defray the charge thereof in the Room of John Champanty Deceased

An Act for Repealing an Exception or provisoe mentioned and Expressed in one Act of Generall Assembly Entituled, An Act for the better Laying out clearing and preserving publick Common highways in this Colony and for the Erecting and building a County Goal and County House in the County of Richmond

An Act to authorize the Justices of the peace to build and Repair Goales & Court houses in the severall Counties in this province

An Act for Destroying Wolves in Dutchess County

An Act for annulling and makeing void a fraudulent Conveyence of Mary Davenport made by her when she was sole

An Act to Prevent Rams Running at Large in the township of Hemstead in Queens County

An Act for Building a bridge over the Creek or kill called Kinder Hooks Creek or Kill in the County of Albany and for altering the Highways in that part of the said County

An Act for Raising of Sixty ounces of plate for the township of Schenectady in the County of Albany

An Act to Enable the precincts of Haverstraw in the County of Orange to chuse a Supervisor, a Collector, two Assessors, one Constable and two Overseers of Highways

An Act to Elect Supervisors in Dutchess County

An Act for Naturalizing Tedeus Beekman, Jan Van Taerlingh & Pieter Vander Lyn

An Act for Setling the Estate of Thomas Lewis Late of the City of New York Deceased

An Act to Enable the Justices Inhabiting in the parish Rye and the vestrey men of the said parish or the major part of them to Raise a certain Sum of money for the keeping in Repair the parish Church of the said parish.

At a Councill held at fort George in Newyork, the 25th day of June, 1719.

PRESENT— *His Excellency* ROBERT HUNTER, Esqr, &c.,

Coll DEPEYSTER,	Mr BARBERIE,
Coll BEEKMAN,	Mr PHILIPSE,
Mr BYERLY,	M^r RIP VAN DAM.

Rip Van Dam Esqr Chairman of the Committee to whom was Referred the Bill Intituled, An Act for Running and Ascertaining the Lines of Partition and Division betwixt this Colony and the Colony of Connecticut, Reported that they had gone through the same with some Amendments

Ordered, the said Bill be read the third time

Then said Bill was read the third time and past with some Amendments

Ordered, that Rip Van Dam Esqr do Acquaint the house of Representatives that this Board has past the said Bill with some Amendments

A Message from the house of Representatives by Alderman Jansen dated the five and twentyth of June 1719 with the Bill Intituled, An Act to Ascertain the vallue of Lyon Dollars, acquainting this Board that they have past the same and Desiring the Concurrence of this Board thereto

Ordered, the said Bill be read the first time

Then said Bill was read the first time and

Ordered a second Reading

The said Bill Read the second time and Rejected

The General Assembly Attending their Speaker presented to his Excellency an Address in these words

To his Excellency Brigadier Robt Hunter Esqr Captain General and Governour in Chief in and over his Majesties Colonies of Newyork, Newjersey and all the Territories and Tracts of Land Depending thereon in America and vice admirall of the same &c

The Humble Address of the General Assembly of the Colony of Newyork

Sir

When we Reflect upon your Past Conduct, your Just, Mild ond Tender Administraōn, it Heightens the Concern we have for your Departure and makes our grief such as words cannot truly Express

You have Governed well and wisely, like a prudent Magistrate like an affectionate parent; and where ever you go and to whatever station the Divine providence shall please to assigne you our sincere desires and prayers for the Happyness of you and yours shall always attend you

Wee have seen many Governours and may see more, and as none of those who had the honnour to serve in your station, were ever so justly fixt in the affections of the Governed so those to come will Acquire no mean Reputation, when it can be truly said of them, their Conduct has been like yours

Wee thankfully accept the honour you do us in calling yourself Our Countryman. Give us leave then to Desire that you will not forget this is your Country, and (if you can) make haste to Return to it

But if the service of our Sovereign will not admitt of what we so Earnestly Desire, and his Commands Deny us that happyness permitt us to address you as our friend; and give us your Assistance when we are opprest with an Administration the Reverse of yours.

R^t Livingston, Speaker

Joh^s Cuyler	John Stillwell	Lewis Morris
Wm Willett	Abraham Lakeman	Leonard Lewis
Cornelius Cuyper	S. Gerritson	D. Provoost
Thos Willett	Carel hansen	Joh Jansen
Johannes Terbos	hend. hansen	Jacobus Kip
Cornelius Sebering	Andries Coemans	Pieter Harring
		Joseph Budd

His Excelly [gave] his Assent to the following Act

An Act for Running and Ascertaining the Lines of partition & Division betwixt this Colony & the Colony of Connecticut

[N. Y. Col. MSS., LXII., 83.]

By the Honourable

PETER SCHUYLER, Esq; President of his Majesty's Council for the Province of *New-York* and Territories thereon Depending in *America*, &c

A PROCLAMATION.

Whereas the General Assembly of the said Province stands adjourned to the *first Tuesday* in *May* next, I have therefore for his Majestys Service thought fit with the Advice of His Majestys Councell and by Vertue of the Powers and Authoritys unto Me derived, Further to Adjourn the said General Assembly of the said Province of *New York*, unto the *Second Tuesday* in *June* next, And I do hereby accordingly adjourn the said General Assembly unto the *Second Tuesday* in *June* next. Whereof all his Majestys Subjects in the said Province are to take Notice and Govern themselves accordingly.

Given under my Hand and Seal at Arms at New York, *the* 21th *Day of* April *in the Sixth Year of the Reign of our Sovereign Lord George, by the Grace of God, of* Great Britain, France *and* Ireland *King, Defender of the Faith* &c. Annoq, Domini 1720

By his Honour's Command, P. SCHUYLER.
I. Bobin, D. Secry.

God save the KING.

[In Executive Session]

6th of June 1720

Ordered, a Proclamation Issue for Adjourning the Generall Assembly of this Province till the third tuesday in July next

14th of July 1720

The President acquainting this Board that the time to which the Assembly of this Province was last adjourned near Expireis, tis

Ordered, that a Procl. Issue for adjourning the said Genl Assembly till ye third tuseday in September next.

5th of September 1720

The President acquainting this Board that the time to which the Genll Assembly of this Province was last adjourned near Expireing, Tis

Ordered, that a Procl. Issue for adjourning the said Genl Assembly till the second tuesday in October next

[N. Y. Col. MSS. LXII., 162.]

By his Excellency

WILLIAM BURNET, Esq; Captain General and Governour in Chief of the Provinces of *New York*, *New Jersey* and Territories depending thereon in *America*, and Vice-Admiral of the same, &c.

A PROCLAMATION.

WHEREAS the General Assemby of the Province of *New York* stands adjourned to the Second *Tuesday* in *October* next, I have therefore, for his Majesty's service, thought fit to Adjourn the said General Assembly, and I Do, by Vertue of the Powers and Authorities unto Me granted by His Majesty under the Broad Seal of *Great Britain*, hereby further Adjourn the said General Assembly of the said Promise unto *Thursday* the Thirteenth Day of *October* next, Then to meet at the City of *New York*. And I Do hereby accordingly Adjourn the said General Assembly Unto *Thursday* the Thirteenth Day of *October* next. Whereof all His Majesty's Subjects in the said Province are to take Notice and Govern themselves accordingly.

Given under My Hand and Seal at Arms at Fort George *in* New York *the* 29th *Day of* September *in the Seventh Year of the Reign of our Sovereign Lord* George *by the Grace of God, of* Great Britain France *and* Ireland, *King, Defender of the Faith, &c.* Annoq; Domini 1720.

By his Excellency's Command, W. BURNET.

I. Bobin, D. Secry.

God save the KING.

SEVENTEENTH ASSEMBLY EIGHTH SESSION

At a Council held at Fort George In New York, Octob^r the 13th, 1720.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c.,

Coll DEPEYSTER,
Capt WALTER,
Coll BEEKMAN,
M^r VAN DAM,
Coll HEATHCOTE,
Mr BARBERIE,
Mr PHILLIPSE,
Mr HARISON.

A Message from the House of Representatives of this province by their Clarke acquainting this Board that they were met pursuant to his Excellencys Proclamation, and desiring to know his Ex^cys Pleasure when they should attend

Ordered, that they attend this Board immediately

The Assembly Attending with their Speaker his Excellency made the following Speech in *Hæc Verba*

Gentlemen,

I am fully sensible of my unfitness to fill the room of my incomparable Predecessor and to meet Gentlemen who have for some years been near witnesses of his wise and worthy administration

I could not recover my uneasyness on this Head were there not many happy Circumstances to relieve me. I serve the best Prince that ever was, from whom I may depend on the most gracious acceptance of my unworthy services

I succeed a Gentleman who left this Province in a flourishing State and is still ready to take care of its Intrest which his majestys favour and the General regard shewn him at home will give him great opportunitys of doing and which in the most affectionate Terms to this People and to myself he has heartyly undertaken

I meet a Council and Assembly who concurred with him and assisted him in those great and good measures that are now compleatly confirmed by his Majesty which have been so effectual to Settle the Peace and Publick Creditt of the Province and are so much of the same nature with those Glorious and Successfull methods so lately taken by the Legislature of great Britain for Payment of all the Publick Debts by Increasing the circulation of Paper Credit

Vpon the whole when I consider the Present state of affairs and compare it with the Distracted and unsettled Posture in which my Predecessor found them I begin to flatter myself that my Task will be much easier, my assistance much greater than he met with at his first coming

Gentlemen of the Assembly—

After such proofs of your Care of Credit and the Support of Government I have no room left to doubt of your finding an immediate and Effectual Remedy for the great Deficiency of the Present Revenue, I leave it to you to Judge if it is not time to make a further provision for the Support of Government since the present Act will Expire in July next

And this I am commanded by his Majesty to recommend to your earnest consideration. In providing a Revenue for a reasonable Term you will shew your opinion of those imployed by his Majesty among you, and above all give the best proof of your thankfullness to his Majesty for his most gracious care of your continuance by his late commands signifyed by Mr Secretary Craggs to the President of the Council That you be not Dissolved nor suffred to Dissolve for want of due Prorogation

I Come now to an affair of the last Importance to your selves and the safety of the Country and what I thought my Duty to recommend to your Care without loss of time the Present Condition of the Frontier, I must believe that whilst you approve yourselves Loyal to his Majesty and Just to one another in paying the Publick Debts you will not neglect that first principal of nature self preservation It is no less that comes now before you than whether you will suffer the Province to lye open to the first attempt the French shall think fit to make against it, this must be the case if we Look on patiently and see them advanceing every Day further into our Country, Building Tradeing Houses in the main passes belonging to it, Seducing numbers of our Indians to live among them, setting others on Expeditions against those who depend on a Neighbouring British Colony and Spreading false and scandalous reports among the Five Nations in order to Draw them of from their allegiance to the crown of Great Britain

This is the substance of our best and freshest advices from those parts and what the most Trusty of our Indians have Communicated to us Imploring our Immediate help to prevent their Nations from falling Entirely into the Hands of the French of which wee know the fatall Consequence, Now if in a time of profound Peace, Wee find the French Using Such arts and by their new Settlement on Missisipi give us Just reason to apprehend a Dangerous Increase of

their Power, Can We be So much Wanting to our Selves as to Loose a Moment in providing for our own Security

Wee may Yet do what I hope will be Effectual by Repairing our Forts which are now in a Totall Decay, Building new ones where it Shall be found necessary putting our Militia in the best Condition for Service Using our utmost Endeavour to Restablish our Intrest with the Indians and preventing any Trade on this Side that may be Distructive to the Publick

Thus without any Imputation of violating the Peace with France on our part Wee may be Secure in all Events against a Nation whos Practices Among us have had a Constant view to their Own Ambition and our ruin

Gentlemen,

Wee live in the happyest of times; our Mother Country Great Britain flourishes beyond what was ever known before, in Wealth Power and Glory, Wee may Ascribe it to a Blessing, that attends such National Virtues as Publick Spirit and Publick faith in which She has Outshin'd all her Neighbours

The glorious Revolution begun by King William of immortal memory has now after many Strugles and Dangers Received its finishing Stroke and utmost perfection and Seems now Secured beyond the reach of Any Thing but Envy

The present age cannot be happyer than under a Prince so admired and beloved as his Majesty nor Posterity have a fairer Prospect than from the next heir to the Crown and the whole Illusterous Line after him

These Blessings reach us tho' in a Lower and remoter Sphere and as great Britain is an Example to other Nations, Wee have advantage that if wee improve will make us a Patron to other Colonys.

At a Council held at Fort George In New York, the 27th *of Octob*r, 1720.
Post Meridiem.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c.,

Coll DEPEYSTER,
Capt WALTER,
Coll BEEKMAN,
Mr VAN DAM,
Mr BYERLEY,
Doctor JOHNSTON,
Mr HARISON.

A Message from the House of Representatives by Coll Rutsen dated the 21st of this Instant with the Bill Intituled, An Act for continuing An Act of General Assembly Entituled, An Act for the better Setling the Militia of this Province and makeing it more Usefull for the Security and Defence thereof and Desiring the Concurrence of this Board thereto

Ordered, that the Said Bill be Read the first time.

Then the Said Bill was Read the first time and

Ordered a Second Reading

A Message from the House of Representatives by Coll Willet dat. the 26th of this Instant with the Bill Entituled, An Act for the further laying out Regulating and better Clearing Publick highways throughout this Colony and desiring the Concurrence of this Board thereto.

Ordered, that the said Bill be Read the first time

Then the said Bill was Read the first time and

Ordered a Second Reading

The whole House of the General Assembly attending with their Speaker presented to his Excellency An Address which follows in *Hæc Verba.*

To his Excellency WILLIAM BURNET Esqr Captain General and Governour in Chief of the Provinces of New York, New Jersey and Territories depending thereon in America, and Vice Admiral of the same.

The Humble ADDRESS of the General Assembly of the Colony of New York.

May it please yor Excellency—

Almost a ten years Experience of the Just and Steady, but mild Administration of Brigadier Hunter Endear'd him to the Generality of his Majestys Subjects here, and to all such who Esteem'd the late happy revolution as an Extraordinary Instance of the favour of heaven to the British Nation and this Province, gave us Reason to desire his return to this Place.

We thank your Excellency for the just observes you have made on his conduct and the kind notice you are pleased to take of our Endeavours to Settle the Peace and Publick Credit of this Colony, which we hope will not fail of having the desired Success.

However distasteful our Demeanour may have been to some mistaken (though otherwise well meaning) Men, Yet since his Majesty has been graciously pleased to approve of it, and think it necessary for his service, that we be continued, We have abundant Reason to Regulate our Conduct in such manner that his Majesty may retain his favourable sentiments of us. To answer the Expectations his Majesty and your Excellency have from us, We have resolved to raise an ample and honourable support for his Majestys Government here, and to Continue the same for five years, And while we have the honour to Continue in this publick station, our Care shall be, that such a support shall never be wanted, and to make up any deficiency that by unforeseen accidents may happen in it.

Every other thing recommended by your Excellency shall be duly Considered of by us, and such suitable Remedy Provided as the shortness of time, nature of the thing and circumstances of the Province will Admit.

We believe that the son of that worthy Prelate, so Eminently Instrumental under our glorious Monarch, William the third in delivering us from Arbitrary Power, and its concomitants Popery, Superstition and Slavery has been Educated in and possesses those Principles that so Justly recommended his Father to the Councils and Confidence of Protestant Princes and succeeds our former Governour, not only in Power, but Inclinations to do us good.

As we desire that your administration may prove happy to us, easie and beneficial to yourself, so we shall contribute our utmost Endeavours to make it so, and we hope prove successfull notwithstanding any Machinations of weak Men Combin'd to make it otherwise.

R^t^ Livingston, Speaker

Lewis Morris	David Provoost
Sam Gerretsen	Jacobus Kipp
Jacob Rutsen	Andries Coeymans
Cornel. Seabring	John Cuyler
Jan Jansen	William Willet
Garrit Vanhorn	Peter Haringh
Isaac Hicks—	John Terbos
Joseph Budd—	Carel Hanse
John Stillwell	Abrah Lackerman
Leonard Lewis,	Cornel Cuyper
Thomas Willet	Hen. Hansen
	A. Gaasbeck Chambers

*At a Council held at Fort George in New York, the 28th of Octob^r^*, 1720.

Present — *His Excellency* William Burnet, Esqr, &c.,

Coll Depeyster,	Mr Byerley,
Capt Walter,	Doctor Johnston.
Coll Beekman,	Francis Harison.

The Bill Entituled, An Act for continuing An Act of Genl Assembly Entituled, An Act for the better Settling the Militia of this Province and making it more usefull for the Security and Defence thereof, was Read a second time, And Committed to the Gent of this Board or any five of them

The Bill Entituled, An Act for continuing An Act of Genl Assembly Entituled, An Act for the further laying Out Regulating and better Clearing Publick Highways through out this Colony, was Read a Second time, And Committed to the Gent. of this Board or any five of them

Then Mr Van Dam took his place

His Excellency withdrawing, the Gent. of the Council Resolved into a Committee.

His Excellency returning to the Council Chamber,

Coll Depeyster Chairman of the Committee to whom was Referred The Bill Entituled, An Act for continuing An Act of General Assembly Entituled, An Act for the better Settling the Militia of this Province &^c^ Reported that they had gone through the same without any Amendments, to which Report this Board agrees.

Ordered, the said Bill be read the third time

Then the said Bill was Read the third time and agreed to without any Amendments.

Ordered, that Coll Depeyster do Acquaint the House of Representatives that the Council has agreed to the said Bill without any Amendments.

Coll Depeyster Chairman of the Committee to whom was Committed the Bill Entituled, An Act for the further laying out Regulating and better Clearing Publick Highways thro'out this Colony Reported that they had gone through the same without any Amendments, to which Report this Board agree.

Ordered, the said Bill be Read the third time

Then the said Bill was Read the third time and agreed to without any Amendments

Ordered, that Coll. Depeyster do acquaint the House of Representatives that the Council has Agreed to the said Bill without any Amendments

At a Council held at Fort George in New York, ye 3^d Novemb^r, 1720.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c^a.,

Coll. DEPEYSTER,
Capt WALTER,
Coll. BEEKMAN,
M^r VAN DAM,
Mr BYERLEY,
Doctor JOHNSTON,
Mr HARISON.

A Message from the House of Represent. by Coll Chambers and Captain Stillwell dated the 1st of this just with the Bill Entituled, An Act appointing the several Persons therein named and appointed to let to Farme the Exise for Strong Liquors in the several Citys and Countys within this Province, and desiring the Concurrence of this Board thereto

Ordered, the said Bill be Read the first time,

Then the said Bill was Read the first time

Mr Byerley desired his Dissent might be entred against the Clause therein relating to the payment of the Excise to the Treasurer.

Ordered, the said Bill be Read the second time.

A Message from the House of Represent. by Alderman Jansen dated the first of this Inst. with the Bill Entituled, An Act directing and appointing the Value that Lyon Dollars shall pass Current for in this Province and desiring the concurrence of this Board thereto.

Ordered, that the said Bill be Read the first time.

Then the said Bill was Read the first time, and

Ordered a Second Reading.

The Bill Entituled, An Act appointing the several Persons therein named and appointed to let to Farm the Excise of Strong Liquors in the several Citys and Countys within this Province, Was Read the second time, and Committed to the Gent. of this Board or any five of them

The Bill Entituled, An Act directing and appointing the value that Lyon Dollars shall pass Current for in this Province, Was Read the second time, and Committed to the Gent of this Board or any five of them.

At a Council held at Fort George in New-York, Novr ye 4th, 1721. (sic).

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c.,

Coll. DEPEYSTER,
Capt. WALTER,
Coll. BEEKMAN,
M^r VAN DAM,
Mr BYERLEY,
Doctor JOHNSTON,
Mr HARISON.

Doctor Johnston Chairman of the Committee to whom was Committed the Bill Entituled, An Act appointing the several Persons therein named and appointed to Let to Farm the Excise of Strong Liquors in the several Citys & Countys within this Province, Reported that they had gone through the same without any amendments, to which Report this Board agree, and

Ordered, the said Bill be Read the third time

Then the said Bill was Read the third time and agreed to without any amendments.

Ordered, that Doctor Johnston do acquaint the House of Representatives that the Council has agreed to the said Bill without any amendments

Doctor Johnston Chairman of the Committee to whom was Committed The Bill Entituled, An Act directing and appointing the value that Lyon Dollars shall pass Current for in this Province, Reported that they had gone through the same without any amendments, to which Report this Board agree.

Ordered, the said Bill be Read the third time.

Then the said Bill was Read the third time and agreed to without any amendments

Ordered, that Doctor Johnston do acquaint the House of Represent. that the Council has agreed to the said Bill without any amendments.

Att a Council held at Fort George in New York, the 9th of Novr, 1720. P. M.

PRESENT — *His Excy* Wm BURNET, Esqr, &c.,

Capt WALTER,
Mr VAN DAM,
Mr BYERLEY,
Doctor JOHNSTON,
Mr HARISON.

A Message from the House of Representatives by Capt Budd dated the 4th of this Instant with the Bill Entituled, An Act to Impower the Justices of the Peace in the County of West Chester to assign a Place to Build a Court House and Goal for that County, and Desireing the Concurrence of this Board thereto.

Ordered, that the said Bill be read the first time.

Then the said Bill was Read the first time, and

Ordered a second Reading

A Message from the House of Representatives by Alderman Kipp dated the 7th of this jnst with the Bill Entituled, An Act for reviving An Act of General Assembly Entituled, An Act for Mending and keeping in repair the Post Road from New York to King's Bridge, and desireing the concurrence of this Board thereto.

Ordered, that the said Bill be Read the first time

Then the said Bill was Read the first time and

Ordered a second Reading.

A Message from the House of Represent. by Coll. Stilwell dated the 8th of this jnst. with the Bill Entituled, An Act Prohibiting all Persons but Robert Lettis Hooper and his Assigns to refine sugar during the Term therein mention'd and desiring the Concurrence of this Board thereto.

Ordered, the said Bill be Read the first time.

Then the said Bill was Read the first time and

Ordered a second Reading

The Bill Entituled, An Act to Impower the Justices of the Peace in the County of West Chester to assign a Place to Build a Court House and Goal for that County, Was Read the second time, and Committed to the Gent. of this Board or any five of them.

The Bill Entituled, An Act Prohibiting all Persons but Robert Lettis Hooper and his Assigns to Refine Sugar during the Term therein mention'd was Read the second time and Committed to the Gent. of this Board or any five of them

The Bill Entituled, An Act of General Assembly for mending and keeping in Repair the Post Road from New York to King's Bridge, was Read the second time and Committed to the Gent. of this Board or any five of them.

At a Council held at Fort George in New York, Novr ye 12th, 1720.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c.,

Coll DEPEYSTER,
Capt WALTER,
Coll BEEKMAN,
Mr BYERLEY,
Doctor JOHNSTON,
Mr HARISON.

A Message from the House of Represent. by Coll Hicks dated the 10th of this jnst with the Bill Entituled, An Act for the Incouragement of Indian Trade and rendring it more beneficial to the Inhabitants of this Province and for the Prohibiting the Selling of Indian Goods to the French, and desiring the Concurrence of this Board thereto.

Ordered, that the said Bill be Read the first time

Then the said Bill was Read the first time and

Ordered a second Reading

A Message from the House of Represent. by Alderman Kip dated the 10th of this Instant with the Bill, Entituled, An Act for continuing the Currency of Bills of Credit, to the Value of Six thousand ounces of Plate, for and during the time therein mentioned, and desiring the concurrence of this Board thereto.

Ordered, that the said Bill be Read the first time.

Then the said Bill was Read the first time and

Ordered a second Reading

A Message from the House of Represent. by Major Seabring dated the 10th of this Inst. with the Bill Entituled, An Act to Enable Garrit Vanhorn and Cornelius Vanhorn to sell and dispose of a certain House and Ground scituate lying and being in the City of New York and desiring the Concurrence of this Board thereto.

Ordered, that the Said Bill be Read the first time

Then the Said Bill was Read the first time and

Ordered a Second Reading.

A Message from the House of Represent. by Coll. Provoost dat. ye 10th of this just with the Bill Entituled, An Act to enable Susanna Davis to Sell and Dispose of four Lots, peices and Parcells of ground in the City of New York and desiring the Concurrence of this Board thereto.

Ordered, that the Said Bill be Read the first time.

Then the Said Bill was Read the first time and

Ordered, a Second Reading.

Mr Harison Chairman of the Committee to whom was Committed the Bill Entituled, An Act to Impower the Justices of the Peace in the County of West Chester to assign a Place to Build a Court House and Goal for that County, Reported that they had gone through the Same without any Amendments to which Report this Board Agree.

Ordered, the Said Bill be Read the third time.

Then the Said Bill was Read the third time and Agreed to without Any Amendments.

Ordered, that Mr Harison do Acquaint the House of Representatives that the Council has Agreed to the Said Bill without Any Amendments.

Mr Harison Chairman of the Committee to whom was Committed the Bill Entituled, An Act for reviving An Act of General Assembly Entituled, An Act for mending and keeping in repair the Poast Road from New York to King's Bridge, Reported that they had gone through the Same without Any Amendments. To which Report this Board Agrees

Ordered, the Said Bill be Read the third time

Then the Said Bill was Read the third time and Agreed to without any Amendment.

Ordered, that Mr Harison do Acquaint the House of Representatives that the Council has Agreed to the Said Bill without Any Amendments

Mr Harison Chairman of the Committee to whom was Committed the Bill Entituled, An Act Prohibiting all Persons but Robert Lettis Hooper and his Assigns to Refine Sugar during the Term therein mentioned Reported that they had gone through the Same without any Amendments to which Report this Board Agree, and

Ordered, the Said Bill be Read the third time.

Then the Said Bill was Read the third time and Agreed to without any Amendments.

Ordered, that Mr Harison do Acquaint the House of Representatives that the Council has Agreed to the Said Bill without any Amendments

The Bill Entituled, An Act for the Encouragment of the Indian Trade and rendring of it more beneficial to the Inhabitants of this Province and for Prohibiting the Selling of Indian Goods to the French, Was Read the Second time and Committed to the Gent. of this Board or any five of them.

The Bill Entituled, An Act for the Continuing the Currency of Bills of Credit to the Value of Six thousand Ounces of Plate for and during the time therein mentioned, Was Read the Second time and Committed to the Gent of this Board or any five of them

The Bill Entituled, An Act to Enable Garret Vanhorn and Cornel Vanhorn to Sell and Dispose of a Certain House and Ground Scituate lying and being In the City of New York. Was Read the Second time, and Committed to the Gent of this Board or any five of them

The Bill Entituled, An Act to Enable Isabella Davis to sell and Dispose of four Lots or parcels of Ground in the City of New York, Was read the Second time and committed to the Gent. of this Board or any five of them

At a Council held at Fort George In New York, the 14th *of Nov*^r, 1720.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c.,

Coll. DEPEYSTER,	Mr BYERLEY,
Capt WALTER,	Doctor JOHNSTON,
Coll BEEKMAN,	Mr HARISON.

Capt Walter Chairman of the Committee to whom was Committed the Bill Entituled, An Act for the Encouragement of the Indian Trade and of Rendring of it more beneficial to the Inhabitants of this Province and for Prohibiting the selling of Indian Goods to the french, Reported that they had gone through the same with out any Amendments, to which Report the Board agrees. And

Ordered, the said Bill be Read the third time

Then the said Bill was Read the third time and agreed to without any Amendments.

Ordered, that Cap^n Walters do Acquaint the house of Representatives that the Council has agreed to the said Bill without any Amendments

Cap^n Walters Chairman of the Committee to whom was Committed the Bill Entituled, An Act for the continueing the Currancy of Bills of Credit to the value of six thousand ounces of

Plate for and During the time therein mentioned, Reported they had gone through the same without any Amendments, To which Report this Board agrees. And

Ordered, the said Bill be Read the third time

then the said Bill was Read the third time and agreed to without any Amendments

Ordered, that Capⁿ Walters do Acquaint the house of Represintatives that the Council has agreed to the said Bill without any Amendments.

Capⁿ Walters Chairman of the Committee to whom was Committed the Bill Entituled, An Act to Enable Isabella Davis to Sell & Dispose of four Lotts Peices or Parcells of Ground in the Citty of New York Reported they had gone through the same without any Amendments To which Report this Board agree, And

Ordered, said Bill be Read the third time

Then the said Bill was read the third time and agreed to without any Amendments.

Ordered, that Capᵗ Walter do acquaint the House of Representatives that the Council has agree to the said Bill without any Amendments.

At a Council held at Fort George in New York, Novembʳ yᵉ 15ᵗʰ, 1720.

PRESENT — *His Excellency* WILLIAM BURNET, Esqʳ, &c.,

Coll DEPEYSTER,	Coll HEATHCOTE,
Capᵗ WALTER,	Mʳ BYERLEY,
Coll BEEKMAN,	Doctor JOHNSTON,
Mʳ VAN DAM,	Mʳ HARISON.

Ordered, That the Attorney General do Inspect the Bill Entitled, An Act to Enable Garrit Van Horn and Cornelius Van Horn to sell and dispose of a certain House and Ground Scituate, lying and being in the City of New York and that he do give his opinion upon the said Bill forthwith to this Board

A Message from the House of Represent. by Major Terbas dat. the 15ᵗʰ Inst. with the Bill Entituled, An Act for the Explaining of An Act of the General Assembly of this Colony Entituled, An Act for Setling the Boundaries between the Lands Granted by Patent unto Cornelius Cool, Adrian Gerritse, Mathias Tenycke, Jacobus Duboies, Johannes Schepmose, Roloff Swartswout, Cornelius Lamerse, Peter Peters, Lawrence Osterhout and Annetie Newkirk Scituate lying and being in the County of Ulster commonly called the Town of Hurly, and the Lands Granted by Patent unto Coll. Henry Beekman, Capᵗ Thomas Garton and Capᵗ Charles Broadhead Trustees for and on the behalf of the Inhabitants of the Town of Marbletown in the County of Ulster aforesaid made in the fourth year of his Majestys Reign, and desiring the Concurrence of this Board thereto

Ordered the said Bill be read the first time.

Then the said Bill was Read the first time and

Ordered, a Second Reading

A Message from the House of Represent. by Coll. Morris, Major Seebring, Coll. Provoost, Alderman Jansen, Alderman Kip, Capᵗ Van Horn, Coll. Hicks, and Capᵗ Willet dat. the 15ᵗʰ of this Inst. with the Bill Entituled, An Act for a Supply to be Granted to his Majesty for Supporting his Government in the Province of New-York during the time therein mentioned and for repealing one Act of the Genˡ Assembly of this Province Entituled, An Act for a Supply to be Granted to his Majesty for Supporting his Government in the Province of New York from the first Day of July which shall be in the year of our Lord 1720 untill the first Day of July 1721 and desiring the Concurrence of this Board thereto.

Ordered, the said Bill be Read the first time.

Then the said Bill was Read the first time

Mʳ Byerley desired his Dissent might be Entred to the word [Treasurer] as likewise to the words [Collector of the Province and the Weigh House] whereever the same are found in the said Bill.

Ordered, that the said Bill be Read the Second time.

At a Council held at Fort George in New-York, Novr 16th, 1720.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c.,

Coll DEPEYSTER,
Capt WALTER,
Coll BEEKMAN,
M^r VAN DAM,
Coll HEATHCOTE,
Mr BYERLEY,
Doctor JOHNSTON,
Mr HARISON.

The Petition of Charles Broadhead, John Beaty, and Cornelius Elting, Trustees of the Town of Marbletown in the County of Ulster on behalf of themselves and others the Freeholders and Inhabitants of the said Town, praying a hearing before this Board before the Bill Entituled, An Act for the Explaining An Act of General Assembly of this Colony Entituled, An Act for Setling the boundaries between the Lands Granted by Patent unto Cornelius Cole & others, be past into a Law, being Read,

Ordered, that the Pet^rs be heard upon the said Bill by their Council before this Board to morrow morning at the hour of Ten.

A Message from the House of Represent. by Coll. Willet dat. the 16th Inst. with the Bill Entituled An Act to lay a Duty of two pounds on every hundred pounds value prime cost of all European Goods Imported into this Colony and desiring the concurrence of this Board thereto

Ordered, that the said Bill be Read the first time.

Then the said Bill was Read the first time and

Ordered, a Second Reading

The Bill Entituled, An Act for a supply to be Granted to his Majesty for supporting his Government in the Province of New York during the time therein mentioned and for Repealing one Act of the General Assembly of this Province Entituled, An Act for a supply to be Granted to his Majesty for supporting his Government in the Province of New York from the first Day of July which shall be in the year of our Lord 1720 untill the first Day of July 1721—Was Read the second time and Committed to the Gent. of this Board or any five of them.

The Bill Entituled, An Act to Lay a Duty of two pounds on every hundred pounds Value prime Cost of all Europian Goods Imported into this Colony, was Read the second time and Committed to the Gent. of this Board or any five of them

At a Council held at Fort George in New York, 16th Nov^r, 1720

Post Meridiem.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c.,

Coll. DEPEYSTER,
Capt WALTER,
Coll. BEEKMAN,
Doctor JOHNSTON,
Mr HARISON.

Ordered, that a Message be sent to the House of Representatives acquainting them that the Committee of this Board to whom was Committed the Bill Entituled, An Act for a supply to be granted to his Majesty for supporting his Government in the Province of New York during the time therein mentioned and for Repealing &c., Have found in the said Bill what they apprehend to be an Error of the Clke as appears by the following Clauses—

First, Page 3^d Line 5th *For every Gallon of Rum Brandy or other Distill'd Liquor Imported directly from the Place of its production or manufacture the sum of fifteen Grains of Plate aforesaid.*

Second, Line 7th *For every Gallon of Rum or other Spirits Distill'd in this Province wholy or in part or from Molasses the sume of Seventeen Grains and half of Plate aforesaid.*

Third and by the word *fifteen Grains* which is found in Page ye 24th Line ye 11th and Page 25th Line ye 5th *To be paid for Rum and other Distill'd Liquors.*

It is Querried whether the Clke did make an Error in inserting the words *seventeen and half* in the second of the above Clauses or did make an Error by taking the word *fifteen Grains* out of the first Clause and puting it into the two lastmentioned places, And to desire that the House would inform this Board how those clauses are to be reconciled. And that Capt Walter do carry this Message to the House.

At a Council held at Fort George in New-York, Novr 17th, 1720.

PRESENT— *His Excelleney* WILLIAM BURNET, Esqr, &c.,

Coll. DEPEYSTER,
Capt WALTER,
Coll. BEEKMAN,
M^r VAN DAM,
Mr BYERLEY,
Doctor JOHNSTON,
Mr HARISON.

Coll. Depeyster Chairman of the Committee to whom was Committed the Bill Entituled, An Act to Lay a Duty of two pounds on every hundred pounds value prime cost of all European Goods Imported into this Colony, Reported that they had gone through the same without any Amendments

Ordered, the said Bill be Read the third time

Then the said Bill was Read the third time and agreed to without any Amendments

Ordered, that Coll. Depeyster do Acquaint the House of Represent. that the Council has Agreed to the Said Bill without any Amendments.

A Message from the House of Represent. by Coll. Hicks dat. the 16th Inst. with the Bill Entituled, An Act for Continuing An Act Entituled, An Act for the Encouragment of Whaling and desiring the Concurrence of this Board thereto.

Ordered, the Said Bill be Read the first time.

Then the Said Bill was Read the first time and

Ordered a Second Reading.

A Message from the House of Represent. by Mr Van Horn dat. the 16th of this Inst. with the Bill Entituled, An Act for the further Continuing An Act Entituled, An Act for Laying a Duty on Goods Sold by Auction, Vendue or Out Cry and rendring the Same more Effectual and desiring the Concurrence of this Board thereto

Ordered, the Said Bill be Read the first time.

Then the Said Bill was Read the first time and

Ordered a Second Reading

Ordered, that the Report of the Attorney Genl upon the Bill Entituled, An Act to Enable Garrit Van Horn and Cornelius Van Horn to Sell and dispose of a Certain House and Ground Scituate lying and Being in the City of New York, be Referred to the Gent. of this Board or any five of them to whom the Said Bill is Committed.

The Bill Entituled, An Act for the Explaining of An Act of the General Assembly of this Colony Entituled, An Act for Setling the Boundaries between the Lands Granted by Patent unto Cornelius Cool, Adrian Gerritse, Mathias Tenycke and others, Scituate Lying and being in the County of Ulster Commonly Called the Town of Hurly, and the Lands by Patents Granted unto Coll. Henry Beekman, Capt Thomas Garton and Capt Charles Broadhead Trustees for and on the behalf of the Inhabitants of the Town of Marbletown in the County of Ulster aforesaid made in the fourth Year of his Majestys Reign, Was Read the Second time and

Ordered, that the Council desiring to be heard upon the Said Bill be Called in.

Upon hearing of the said Council It is

Ordered, that the said Bill be Referred to a further Consideration and that all parties Concerned be Served with proper notice hereof

A Message from the House of Represent. by Coll. Stillwell dated the 17th Inst. which follows in these words (vizt)

House of Representatives Novemb^r 17th 1720

The House having perus'd the Message Sent by the Council of the 16th Inst. and for answer Say it is an Error in Transcribing of the Act Entituled, An Act for a Supply to be Granted to his Majesty &c. For that their meaning is that Distill'd Liquors should pay fifteen grains and not Seventeen and a half Grains And that in Page the third Line the 7th the word Fifteen grains is to be Inserted and the words Seventeen and half grains Struck out which they desire the Gent. of the Council to do Accordingly.

By order of the House of Represent.
R^t LIVINGSTON, Speaker

Ordered, that the Bill for Support of Government be Amended according to the Said Message.

The Bill Entituled, An Act for continuing An Act Entituled, An Act for the Encouragment of Whaling, was Read, The Second time, and Committed to the Gent. of this Board or any five of them

The Bill Entituled, An Act for the further continuing An Act Entituled, An Act for the laying a Duty on Goods Sold by Auction Vendue or Out Cry and rendring the Same more Effectual, Was Read the Second time and Committed to the Gent. of this Board or any five of them.

Coll. Depeyster Chairman of the Committee to whom was Committed the Bill Entituled, An Act for a supply to be Granted to his Majesty for supporting his Governm^t in the Province of New-York during the time therein mentioned and for repealing one Act of the General Assembly of this Province Entituled, An Act for a supply to be granted to his Majesty for supporting his Government in the Province of New York from the first Day of July which shall be in the year of our Lord one thousand seven hundred and twenty untill the first Day of July one thousand seven hundred and twenty one, Reported that they had gone through the same without any amendments.

Ordered, the said Bill be Read the third time

Then Mr Byerley withdrew.

Coll. Beekman Chairman of the Committee to whom was Committed the Bill Entituled, An Act to Enable Garret Van Horn and Cornelius Van Horn to sell and Dispose of a certain House and ground scituate lying and being in the City of New York, Reported that they had gone through the same with the following amendments (vizt.)

That in the last clause of the said Bill in the room of [occasion] to put [be occasioned] and instead of [accountable] in the penult Line to put [accounted]

Ordered, that Coll. Beekman do carry the said Bill to the House with the amendments made thereto and desire their Concurrence to the same.

At a Council held at Fort George in New-York, Novr 17th, 1720.

Post Meridiem

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c.,

Coll. DEPEYSTER,
Capt. WALTER,
Coll. BEEKMAN,
M^r. VAN DAM,
M^r. BYERLEY,
Doctor JOHNSTON,
Mr HARISON.

The Bill Entituled, An Act for a supply to be granted to his Majesty for supporting his Government in the Province of New York during the time therein mentioned & for repealing one Act of the General Assembly of this Province Entituled, An Act for a supply to be granted to his Matie for supporting his Governm^t in the Province of New York &c was Read the third time and agreed to without any amendments.

Ordered, that Coll. Depeyster do acquaint the House of Represent. that the Council has agreed to the said Bill without any amendments.

At a Council held at Fort George in New-York, the 18th Nov^r, 1720.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c.,

Coll. DEPEYSTER,
Capt. WALTER,
Coll. BEEKMAN,
M^r. VAN DAM,
Mr BYERLEY,
Doctor JOHNSTON,
Mr HARISON.

Coll. Beekman Chairman of the Committee to whom was Committed the Bill Entituled, An Act for Continuing An Act Entituled, An Act for the Encouragement of Whaling, Reported that they had gone through the same without any amendments.

Ordered, the said Bill be Read the third time

Then the said Bill was Read the third time.

Ordered, that Coll. Beekman do acquaint the House of Representatives that the Council has agreed to the said Bill without any amendments.

Coll. Beekman Chairman of the Committee to whom was Committed the Bill Entituled, An Act for laying a Duty on Goods sold by Auction Vendue or out cry and Rendring the same more Effectual, Reported that they had gone through the same without any amendments

Ordered, the said Bill be Read the third time

Then the said Bill was Read the third time.

Ordered, that Coll. Beekman do acquaint the House of Representatives that the Council has agreed to the said Bill without any Amendments.

Ordered, that the Bill Entituled, An Act to Enable Garrit Van Horn and Cornelius Van Horn to sell and Dispose of a certain House and Ground scituate lying and being in the City of New York be recommitted to the Gent. of this Board or any five of them.

His Excellency withdrawing, the Gentlemen of this Board Resolved themselves into a Committee.

His Excellency returning to the Council Chamber,

Coll. Beekman Chairman of the Committee to whom was recommitted the Bill Entituled, An Act to Enable Garrit Van Horn and Cornelius Van Horn to sell and Dispose of a certain House and ground scituate lying in the City of New York Reported that they had gone through the same and agreed to it with the following Amendments (vizt.)

That in the Last fol. of the said Bill Line 7th after the words [and all] put out the word [occasion] and in lieu thereof insert the words [be occasioned] in the last Line but one put out the word [accountable] and in lieu thereof Insert the word [accounted] To which Report this Board agree

Ordered, the said Bill be Read the third time

Then the said Bill was Read the third time and past with the said Amendments.

Ordered, that Coll. Beekman do acquaint the House of Represent. that the Council has Agreed to the said Bill with the said Amendments and Desire there concurrence thereto.

At a Council held at Fort George in New-York, Novr 19th, 1720.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c.,

Coll. DEPEYSTER,	M^r. BARBERIE,
Capt. WALTER,	Mr BYERLEY,
Coll. BEEKMAN,	Doctor JOHNSTON,
M^r. VAN DAM,	Mr HARISON.

A Message from the House of Representatives dated the 18th Instant by Capt Gerritsen acquainting this Board that the House of Representatives had agreed to the amendments made by this Board to the Bill Entituled, An Act to Enable Gerrit Van Horn and Cornelius Van Horn to sell and Dispose of a Certain House and Lott of ground in the City of New York

Ordered, the said Bill do Pass accordingly.

Ordered, the Clke of the Council do acquaint the House of Representatives that his Excellency Commands their Attendance at the Council Chamber immediately.

The Assembly accordingly attending with their Speaker, his Excellency gave his Assent to the following Acts Enacting the same and ordered them to be Enrolled. (vizt.)

1 An Act for continuing An Act of General Assembly Entituled, An Act for the better Settling the Militia of this Province &c

2 An Act for continuing An Act of General Assembly Entituled, An Act for the further laying out Regulating and better clearing Publick Highways &c

3 An Act appointing the several Persons therein named and appointed to Let to Farme the Excise of Strong Liquors &c

4 An Act directing and appointing the value that Lyon Dollars shall pass current for in this Province

5 An Act to Impower the Justices of the Peace in the County of West Chester to Assign a Place to build a Court House and Goal for that County.

6 An Act for reviving An Act of Genl Assembly Entituled, An Act for mending and keeping in Repair the Post Road from New-York to King's Bridge.

7 An Act for Prohibiting all Persons but Robert Lettis Hooper and his Assigns to Refine Sugar during the Term therein mentioned.

8 An Act for the Encouragement of Indian Trade &c

9 An Act for the continuing the Currency of Bills of Credit to the value of Six thousand ounces of Plate.

10 An Act to Enable Garrit Van Horn and Cornelius Van Horn to sell and Dispose of a certain House and ground in the City of New-York.

11 An Act to Enable Isabella Davis to sell and Dispose of four Lotts or parcells of ground in the City of New York

12 An Act for supporting his Majesties Government for five years &c.

13 An Act for Laying a duty of two ℔ cent on Europian Goods &c.

14 An Act for continuing An Act for the Encouragment of Whaling

15 An Act for continuing An Act for Laying a Duty on Goods sold by Auction Vendue or out cry &c .

Then his Excellency made the following Speech in *Hæc Verba:*

Gentlemen,

The chearfullness you have Shewn in providing for a Support of Government Justly recommends you to his Majestys favour which I shall not fail to Represent.

Your care of the Frontier and to prevent a Trade so dangerous to the safety of the Province intitles you to the love of your Country Men, and your confidence in me will make me impatient to meet so good an Assembly again

Then his Excellency desired the General Assembly to adjourn themselves to the first Tuesday in March next.

[N. Y. Col. MSS., LXIII, p. 40.]

By his Excellency

WILLIAM BURNET, Esq; Captain General and Governour in Chief of the Provinces of *New York*, *New Jersey* and Territories thereon depending in *America*, and Vice-Admiral of the same, &c.

A PROCLAMATION.

WHEREAS the General Assembly of the said Province of New-York stands adjourned to the first *Tuesday* in *March* next, I have thought fit, for his Majesty's service, further to Adjourn the said General Assembly, and I do, by Virtue of the Power and Authority unto Me granted by his Maiesty under the Broad Seal of *Great Britain*, further Adjourn the said General Assembly of the said Province of New-York unto *Tuesday* the Eighteenth Day of *April* next. And I do hereby accordingly adjourn the said General Assembly unto *Tuesday* the Eighteenth Day of *April* next. Whereof all his Majesty's Subjects in the said Province are to take Notice and Govern themselves accordingly.

Given under my Hand and Seal at Arms at Fort George *in* New-York *the* 13*th Day of* February *in the seventh year of the Reign of our Sovereign Lord* George, *by the Grace of God, of* Great Britain, France *and* Ireland, *King, Defender of the Faith*, &c. Annoq; Domini 1720

W. BURNET.

By his Excellency's Command,
Is. Bobin, *D. Secry.*

God save the KING.

[N. Y. Col. MSS., LXIII., 65.]

By his Excellency

WILLIAM BURNET Esqr Captain General and Governour in Chief of the Provinces of
(L. S.) Newyork Newjersey & Territories thereon Depending in America & Vice Admiral of the same &c.

A PROCLAMATION

WHEREAS the General Assembly of the Province of Newyork stands adjourned to Tuesday the ninth day of May next I have thought fitt for his Majestys service by vertue of the powers

& authoritys to me given by his Majestys Letters patents under the great seal of Great Brittain further to adjourn the said General Assembly untill *Wednesday* the *tenth* day of *May* next to come and I doe hereby adjourn the said General Assembly untill *Wednesday* the tenth day of *May* next to come then to meet at Newyork, of which all his Majestys Subjects are to take notice & Govern themselves accordingly

Given under my hand and seal at arms in *Burlington* the twenty ninth day of Aprill in the seventh year of his Majestys Reign Annoq Domini 1721

W BURNET

By his Excellencys Command
Is. Bobin *D: Sēcry*

God save the KING

[N. Y. Col. MSS., LXIII., 63.]

By his Excellency

WILLIAM BURNET Esqr Captain General and Governour in Chief of the province of Newyork
(L. S.) Newjersey and territories thereon Depending in America & Vice Admiral of the same &c.

A PROCLAMATION

WHEREAS the General Assembly of the province of Newyork stands adjourned to Wednesday the tenth day of May next I have thought fitt for his Majesty's service by vertue of the powers & authorities to me given by his Majesty's Letters patents under the Great Seal of Great Brittain further to adjourn the said General assembly untill *thursday* the Eleventh day of *May* next to Come and I doe hereby adjourn the said General Assembly untill *thursday* the *Eleventh* day of *May* next then to meet at Newyork, of which all his Majesty's Subjects are to take notice & Govern themselves accordingly.

Given under my hand & seal at arms at *Burlington* the twenty ninth day of Aprill in the seventh year of his Majestys Reign Annoq Domini 1721

W BURNET

By his Excellencys Command
Is. Bobin *D: Sēcry*

God save the KING

[N. Y. Col. MSS., LXIII., 66.]

By his Excellency

WILLAM BURNET Esqr Captain General & Governour in Chief of the provinces of Newyork
(L. S.) Newjersey & Territories thereon Depending in America & Vice Admiral of the Same &c

A PROCLAMATION

WHEREAS the General Assembly of the province of Newyork stands adjourned till Thursday the Eleventh day of May next I have thought fitt for his Majestys service by vertue of the powers & authorities to me given by his Majesty's Letters patents under the Great Seal of Great Brittain further to adjourn the said General Assembly untill *Fryday* the *twelfth* day of

May next to come and I doe hereby adjourn the said General Assembly untill *Fryday* the twelfth day of *May* next then to meet at Newyork, of which all his Majestys Subjects are to take notice & Govern themselves accordinly

Given under my hand & seal at arms at *Burlington* the twenty ninth day of Aprile in the seventh year of his Majestys Reign Annoq Domini 1721

W BURNET

By hio Excellencys Command
Is. Bobin *D: Sēcry*

God save the KING

[N. Y. Col. MSS., LXIII., 64.]

By his Excellency

WILLIAM BURNET Esqr Captain Generall & Governour in Chief of the provinces of
(L. S.) Newjersey Newyork & territories thereon Depending in America & Vice Admiral of the Same &c

WHEREAS the General Assembly of the province of Newyork stands Adjourned untill Fryday the twelfth day of May next I have thought fitt for his Majestys Service by vertue of the powers & authorities to me given by his Majestys Letters patents under the great Seal of Great Brittain further to adjourn the said General Assembly untill *Tuesday* the Sixteenth day of *May* next and I doe hereby adjourn the said General Assembly untill *Tuesday* the *Sixteenth* day of *May* next then to meet at Newyork, of which all his Majestys Subjects are to take notice & Govern themselves accordingly

Given under my hand & seal at arms at *Burlington* the twenty ninth day of Aprile in the seventh year of his Majestys Reign Annoq Domini 1721

W BURNET

By his Excellencys Command
Is. Bobin *D. Sēcry*

God save the KING.

SEVENTEENTH ASSEMBLY NINTH SESSION

At a Council held at Fort George in New-York, May ye 19th, 1721.

Present— *His Excellency* William Burnet, Esqr, &c.,

Capt Walter,
Coll. Beekman,
Mr Barberie,
Mr Phillipse,
Mr Harison.

Ordered, that the Deputy Clkē of the Council do acquaint the House of Representatives that his Excellency requires their Immediate attendance at the Council Chamber.

The Assembly accordingly attending with their Speaker his Excellency made to them the following Speech, in these words. (vizt)

Gentlemen.

It must always be a pleasure to meet an Assembly that have acted with so much unaminity and Dispatch in the service of the Publick and have at the same time shewn a due regard to the Government and a tender care of the Credit ease and safety of the Colony.

This Conduct makes you worthy to represent such a Flourishing People and gives me a peculiar satisfaction in finding your continuance approved at home. I shall communicate to you the Letter I have received from the Lords of Trade on that and some other matters and shall send you what Papers may serve to inform you of the present state of the Frontiers and the continued Attempts of the French against this Province. You cannot be insensible of the Dangerous consequences they will have if not timely and effectually prevented.

If you have left any part of the Publick business unfinish'd the last time you met you will now I hope perfect it, with as little expence of time as possible. I shall always give you opportunity of doing every thing you conceive for the Benefit of your Country and Joyn heartyly with you to the utmost of my Ability to promote the common good.

At a Council held at Fort George in New-York, June 9th, 1721.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr

Coll BEEKMAN,
Mr BARBERIE,
Mr PHILLIPSE,
Mr. CLARKE,
Mr. HARISON.

A Message from the House of Representatives by Mr Jansen dated the 2d of this Instant with the Bill Entituled, An Act for Setling of Albertus Conradus Bosch (*sic*) late of the City of New-York Sword Cutler deceased and desiring the concurrence of this Board thereto.

Ordered, that the said Bill be Read the first time

Then the said Bill was Read the first time and

Ordered a Second Reading.

A Message from the House of Represent. by Capt. Garrit Van Horn dated this 6th of this Inst. with the Bill Entituled, An Act to prevent Lotteries within the Province of New York and desiring the concurrence of this Board thereto

Ordered, that the said Bill be Read the first time

Then the said Bill was Read the first time and

Ordered a second Reading.

A Message from the House of Represent. by Coll. Rutsen dated the 8th Instant with the Bill Entituled, An Act for Regulating Fences through the several Citys and Countys within this Colony and desiring the concurrence of this Board thereto.

Ordered, that the said Bill be Read the first time.

Then the said Bill was Read the first time and

Ordered, a second Reading.

At a Council held at Fort George in New York, the 12th *of June*, 1721.

PRESENT — *His Excy* WILLIAM BURNET, Esqr, &c.,

Capt WALTER,
Coll. BEEKMAN,
Mr VAN DAM,
Mr BARBERIE,
Mr PHILLIPSE,
Mr HARISON.

A Message from the House of Represent. by Capt. Gerritse dat. ye 10th Instant with the Bill Entituled, An Act to continue the Common Road on the Kings Highway from the Ferry towards the town of Breuckland on the Island of Nassaw in the Province of New-York and desiring the Concurrence of this Board thereto

Ordered, that the said Bill be Read the first time.

Then the said Bill was Read the first time and

Ordered, a sesond Reading.

The Bill Entituled, An Act for Setling the Estate af Albertus Conradus Bosch late of the City of New York Sword Cutler deceased was Read the second time, and Committed to the Gent. of this Board or any five of them

The Bill Entituled, An Act to prevent Lotteries within Province of New York was Read the second time and Committed to the Gent of this Board or any five of them.

The Council taking into consideration a Bill depending before this Board relating to the Townships of Hurly and Marbletown. It is

Ordered, that all Partys concerned be heard thereupon before this Board on Thursday next.

The Bill Entituled, An Act to continue the Common Road or the Kings Highway from the Ferry towards the Town of Breuckland on the Island of Nassaw in the Province of New York was Read the second time and Committed to the Gent. of this Board or any five of them

At a Council held at Fort George in New-York, June 15th, 1721.

PRESENT — *His Excellency* Wm BURNET, Esqr, &c.,

Capt WALTER, Mr BARBERIE,
Coll. BEEKMAN, Mr HARISON.
Mr. VAN DAM,

Capt Walter Chairman of the Cõmittee to whom was Committed the Bill Entituled, An Act for Setling the Estate of Albertus Conradus Bosch late of the City of New York Sword Cutler deceased Reported, that they had gone through the same without any Amendments.

Ordered, the said Bill be Read the third time.

Then the said Bill was Read the third time and past without any Amendments

Ordered, that Coll. Beekman do acquaint the House of Representatives that the Council has agreed to the said Bill without any Amendments.

Coll. Beekman Chairman of the Committee to whom was Committed the Bill Entituled, An Act to continue the Common Road or the Kings Highway from the Ferry Towards the Town of Breuckland on the Island of Nassaw in the Province of New-York, Reported that they had gone through the same without any Amendments.

Ordered, that the said Bill be Read the third time.

Then the said Bill was Read the third time and past without any Amendments.

Ordered, that Coll. Beekman do acquaint the House of Representatives that the Council has agreed to the said Bill without any Amendments

Then Mr Phillipse took his place.

Coll. Beekman Chairman of the Committee to whom was Committed the Bill Entituled, An Act to prevent Lotteries within the Province of New York, Reported that they had gone through the said Bill and made some Amendments thereto, which Amendments were Read and agreed to by this Board.

Ordered, the said Bill with the said Amendments be Read the third time.

Then the said Bill with the Amendments was Read the third time and agreed to by this Board.

Ordered, that Coll. Beekman do Carry to the House of Representatives the said Bill with the amendments made thereto and acquaint them that this Board has agreed to the said Bill with the said amendments to which they desire their Concurrence

Ordered, that Captain Walter, Coll. Beekman, Mr Van Dam, Mr Barberie and Mr Phillipse or any three of them be a Committee to Joyn a Committee of the House of Representatives to Examin the Treasurers Accounts.

The Bill Entituled, An Act for Regulating Fences for the several Citys and Countys within this Colony was Read the second time and Committed to the Gent. of this Board or any five of them.

At a Council held at Fort George in New-York, June 15th, 1721. P. M.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr,

Capt WALTER, Mr. BARBERIE,
Coll BEEKMAN, Mr. PHILLIPSE,
Mr. VAN DAM, Mr. HARISON.

Ordered, that to morrow the Committee appointed by this Board do meet at three a Clock in the Afternoon at Coll. Depeysters House to joyn a Committee of the House of Representatives in order to examin the late Treasurers Accounts, and that the Deputy Clke of the Council do acquaint the House of Representatives therewith.

Mr Bickley Council for Marbletown and Mr. Jamisson Council for Hurly being called in and Mr. Bickley moving that the hearing might be deferred till the partys had further notice, They were ordered to withdraw, and this Board are of opinion that the partys had sufficient notice and shoud be heard immediately to the merits of the said Bill

Ordered, that they be called in; whereupon attending accordingly It is

Ordered, that the Bill relating to the Townships of Hurly and Marbletown be Committed to the Gent. of this Board or any five of them and that they meet thereupon this Day seven night

At a Council held at Fort George in New-York, June 23d, 1721.

Post Meridiem

PRESENT — *His Excellency* WILLIAM BURNET, Esqr,

Capt WALTER,	Mr. PHILLIPSE,
Coll. BEEKMAN,	Mr. BYERLEY,
Mr. VAN DAM,	Mr. CLARKE,
Mr BARBERIE,	Mr. HARISON.

The Gent. of the Committee to whom was Committed the Bill relating to the Townships of Hurly and Marbletown Informed his Excellency that the surveys of each of those Respective Townships produced to them appeared obscure and differing from one another and therefore that they had not sufficient Reason to Enter into the merits of the said Bill.

Rip Van Dam Esqr Chairman of the Committee to whom was Committed the Bill Entituled, An Act for Regulating Fences for the several Citys and Countys within this Colony, Reported that they had gone through the same without any amendments.

Ordered, the said Bill be Read the third time.

Then the said Bill was Read the third time and past without any amendments.

A Message from the House of Represent. by Capt. Thomas Willet and Captain Gerritsen dated the 23d of this Inst. with the Bill Entituled, An Act for the better clearing and further laying out Highways, and desiring the concurrence of this Board thereto.

Ordered, that the said Bill be read the first time

Then the said Bill was read the first time, and

Ordered a Second Reading

At a Council held at Fort George in New-York, June 29th, 1721.

PRESENT — *His Excy* WILLIAM BURNET, Esqr, &c.,

Capt WALTER,	Mr BYERLEY,
Coll BEEKMAN,	Mr CLARKE,
Mr VAN DAM,	Dr JOHNSTON,
Mr BARBERIE,	Mr HARISON.

The Bill Entituled, An Act for the better clearing and further laying out Highways was Read the Second time and Committed to the Gent. of this Board or any five of them.

A Message from the House of Represent by Mr Jansen dat. the 27th of this Inst. with the Bill Entituled, An Act to enable Susanna Parmiter to Sell and Dispose of a House and Lott of ground in the City of New York and desiring the concurrence of this Board thereto.

Ordered, that the said Bill be Read the first time.

Then the said Bill was Read the first time and

Ordered a Second Reading.

Then the said Bill was Read the Second time, and Committed to the Gent. of this Board or any five of them.

A Message from the House of Represent by Mr Hutchingson acquainting this Board that the House of Representatives had agreed to the amendments made by this Board to the Bill Entituled, An Act to prevent Lotteries within the Province of New York.

Ordered, that the Attorney General do prepare and lay before this Board A Bill for the better Regulating the Militia of this Province and in so doing that he consult with the officers of the Regiment of the Militia of the City of New-York for his better Information

Ordered, that Rip Van Dam Esqr do acquaint the House of Representatives that the Council has agreed to the Bill Entituled, An Act for the Regulating of Fences for the Sevl Citys and Countys within this Colony without any Amendments.

At a Council held at Fort George in New-York, July 1st, 1721.

Post Meridiem

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c.,

Capt WALTER,
Coll. BEEKMAN,
Mr VAN DAM,
Doctor JOHNSTON,
Mr HARISON.

A Message from the House of Represent. by Coll. Provoost dat. ye 30th of June last with the Bill Entituled, An Act to Impower Gilbert Livingston to Sell and Dispose of certain Lotts of Land Scituate lying & being in the City of New York, and desiring the Concurrence of this Board thereto.

Ordered, the said Bill be Read the first time.

Then the said Bill was Read the first time and

Ordered a Second Reading

A Message from the House of Represent. by Coll. Lewis dat. the 30th of June last with the Bill Entituled, An Act for Naturalizing Johannes Van Solingen, John Ramerse, Henry Schildron, Johannes Bernard Voediren, Johannes Hanse, and desiring the Concurrence of this Board thereto

Ordered, the said Bill be Read the first time.

Then the said Bill was Read the first time and

Ordered, a second Reading.

A Message from the House of Represent. by Mr Gerritsen dated ye 1st of this Inst. with the Bill Entituled, An Act to prevent Vagrant and Idle Persons from being a Charge and expence to any the Countys, Citys, Towns, Mannors or Precincts within this Province and desiring the Concurrence of this Board thereto.

Ordered, the said Bill be Read the first time.

Then the said Bill was Read the first time and

Ordered, a second Reading.

A Message from the House of Represent. by Mr Hutchinson dated the first of this Instant with the Bill Entituled, An Act for the Enabling such Person as his Excellency the Governour shall appoint to receive and collect the Dutys due and payable in the County of Suffolk by virtue of An Act of General Assembly of this Province passed in the Seventh year of his Majestys Reign Entituled, An Act for a Supply to be granted to his Mātie for Supporting his Government in the Province of New York during the time therein mentioned, and desiring the concurrence of this Board thereto.

Ordered, the said bill be Read the first time.

Then the said Bill was Read the first time and

Ordered a second Reading.

The Bill Entituled, An Act to Impower Gilbert Livingston to Sell and Dispose of certain Lots of Land Scituate lying and being in the City of New York, was Read a Second time, and committed to the Gent. of this Board or any five of them.

The Bill Entituled, An Act for Naturalizing Johannes Van Solingen, Joh Remerse, Henry Schliedorne, John Bernard Voedrizen, and Johannes Hanse, was Read a Second time and committed to the Gent. of this Board or any five of them.

The Bill Entituled, An Act to prevent Vagrant and Idle Persons from being a charge and expence to any the Countys, Citys, Towns, Mannors or Precincts within this Province, was Read a Second time and committed to the Gent. of this Board or any five of them.

The Bill Entituled, An Act for the Enabling such Person as his Excellency the Governour shall appoint to receive and collect the Dutys due and payable in the County of Suffolk by virtue of An Act of Genl Assembly of this Province passed in the Seventh year of his Majestys Reign Entituled, An Act for a Supply to be granted to his Majesty &c, was Read a Second time and committed to the Gent. of this Board or any five of them.

At a Council held at Fort George in New-York, July 6th, 1721.

PRESENT — *His Excellency* WILL. BURNET, Esqr, &c.,

Capt WALTER,
Coll. BEEKMAN,
Mr VAN DAM,
Mr BARBERIE,
Dr JOHNSTON,
Mr HARISON.

Coll. Beekman Chairman of the Committee to whom was Committed the Bill Entituled, An Act to Impower Gilbert Livingston to Sell and Dispose of certain Lots of Land Scituate Lying

and being in the City of New-York Reported that they had gone through the same without any Amendments.

Ordered, that the said Bill be Read the third time

Then the said Bill was Read the third time and past without any Amendments

Ordered, that Coll Beekman do acquaint the House of Representatives that the Council has agreed to the said Bill without any Amendments

Francis Harison Esqr Chairman of the Committee to whom was Committed the Bill Entituled, An Act to enable such Persons as his Excellency the Govr shall appoint to receive and Collect the Dutys due and payable in the County of Suffolk by Virtue of An Act of Genl Assembly of this Province passed in the Seventh year of his Majestys Reign Entituled, An Act for a Supply to be Granted to his Majesty for supporting his Governm^{t} in the Province of New York during the time therein mentioned, Reported that they had gone through the same without any Amendments.

Ordered, that the said Bill be Read the third time.

Then the said Bill was Read the third time and past without any amendments.

Ordered, that Francis Harison Esqr do acquaint the House of Represent. that the Council has agreed to the said Bill without any amendments.

John Johnston Esqr Chairman of the Committee to whom was Committed the Bill Entituled, An Act to enable Susanna Parmyter to sell and Dispose of a House and Lot of ground in the City of New York, Reported that they had gone through the same without any Amendments.

Ordered, that the said Bill be Read the third time

Then the said Bill was Read the third time and past without any amendments.

Capt Walter Chairman of the Committee to whom was Committed the Bill Entituled, An Act for naturalizing Johannes Van Solingen, Johan. Remerse, Henry Schliedorn, Johan Bernard Voediren, and Johan. Hanz, Reported that they had gone through the same without any amendments.

Ordered, that the said Bill be Read the third time.

Then the said Bill was Read the third time and past without any amendments.

Capt Walter Chairman of the Committee to whom was Committed the Bill Entituled, An Act to prevent vagrant and Idle Persons from being a Charge and expence to any the Countys, Citys, Towns, mannors or Precincts within this Province Reported that they had gone through the same without any amendments.

Ordered, that the said Bill be Read the third time

Then the said Bill was Read the third time and past without any amendments.

Ordered, that Captain Walter do acquaint the House of Representatives that the Council has agreed to the three last Bills without any amendments.

A Message from the House of Represent. by Mr Carrel Hansen dated the third of this Inst. with the Bill Entituled, An Act to oblige the Treasurer to pay for the Stockadoes provided for the Fortifications in Albany and Schenectady and desiring the Concurrence of this Board thereto

Ordered, that the said Bill be Read the first time.

Then the said Bill was Read the first time and

Ordered, a Second Reading.

A Message from the House of Represent. by Coll. Lewis dated the 4th of this Instant with the Bill Entituled, An Act for facilitating the Partition of Lands in Joint Tenancy or in common promoting the setling and Improving thereof and rendring the Payment of the Quit Rent due thereupon more certain and easy, and desiring the Concurrence of this Board thereto

Ordered, that the said Bill be Read the first time.

Then the said Bill was Read the first time and

Ordered, a Second Reading.

A Message from the House of Represen^{t} by Coll. Willet dated the Sixth of this Instant with the Bill Entituled, An Act for collecting and paying the arrears of Taxes for the two Expeditions to Canada, and desiring the concurrence of this Board thereto.

Ordered, that the said Bill be Read the first time.

Then the said Bill was Read the first time and

Ordered a Second Reading.

A Message from the House of Represen^{t} by Mr Hutchinson dated the 6th of this Inst. with the Bill Entituled, An Act Continuing a Clause in An Act of Genl Assembly Entituled, An Act for the further laying out regulating and better clearing Publick Highways thro'out this Colony so far as it relates to the County of Suffolk, and desiring the concurrence of this Board thereto

Ordered, that the said Bill be Read the first time.

Then the said Bill was Read the first time and

Ordered, a second Reading

The Attorney Genl according to order having prepared and laid before this Board a Bill Entituled, An Act for Setling the Militia of this Province and making of it usefull for the security and defence thereof and for repealing all former Acts relating to the same

Ordered, the said Bill be Read the first time.

Then the said Bill was Read the first time and

Ordered, a Second Reading.

At a Council held at Fort George in New-York, July 7th, 1721.

PRESENT — *His Excellency* WILL. BURNET, Esqr, &c.,

Capt WALTER, Mr BARBERIE,
Coll BEEKMAN, Mr HARISON.
Mr VAN DAM,

A Message from the House of Representatives by Captain Vanhorn dated the 5th of this Instant with the Bill Entituled, An Act for paying Ebenez. Wilson, John Van Horn, Sarah the widdow and Relict of Johannes Hardenbrook deceased, Abraham Governeur, Garrit Van Horn, Jacobus Kip. David Provoost and Johannes Jansen for serving in General Assembly and desiring the concurrence of this Board thereto

Ordered, the said Bill be Read the first time.

Then the said Bill was Read the first time and

Ordered, a Second Reading

A Message from the House of Representatives dat. ye 7th Inst. by Capt Van Horn with the Bill Entituled, An Act for the further continuing the currency of Bills of Credit to the value of six thousand ounces of Plate, for and during the time therein mentioned, and desiring the Concurrence of this Board thereto

Ordered, that the said Bill be Read the first time.

Then the said Bill was Read the first time and

Ordered, a Second Reading.

The Bill Entituled, An Act to oblige the Treasurer to pay for the Stockadoes Provided for the fortifications in Albany and Schenectady, was Read a Second time and Committed to the Gent. of this Board or any five of them.

The Bill Entituled, An Act for facilitating the Partition of Land in Joint Tenancy or in Common promoting the Setling and Improving thereof and rendring the Payment of the Quit Rent due thereupon more certain and easy, Was Read a Second time and Committed to the Gent. of this Board or any five of them.

The Bill Ent. An Act for Collecting and paying the Arrears of Taxes for the two Expeditions to Canada, Was Read a Second time and Committed to the Gent. of this Board or any five of them.

The Bill Entituled, An Act continuing a clause in An Act of General Assembly Entituled, An Act for the further Laying out, regulating and better clearing Publick Highways thro' out this Colony so far as it relates to the County of Suffolk in this Province, Was Read a Second time and Committed to the Gent. of this Board or any five of them.

The Bill Entituled, An Act for Setling the Militia of this Province and the making of it usefull for the security and defence thereof, and for repealing all former Acts relating to the same, Was Read a second time and Committed to the Gent. of this Board or any five of them.

At a Council held at Fort George in New-York, July ye 12th, 1721.

PRESENT — *His Excellency* WILL. BURNET, Esqr, &c.,

Capt WALTER, Mr BARBERIE,
Coll. BEEKMAN, Mr CLARKE.
Mr. VAN DAM,

Ordered, that the Bill Entituled, An Act for facilitating the Partition of Lands in Joint Tenancy or in Common promoting the Setling and Improving thereof and rendring the Payment of the Quit Rent due thereupon more certain and easy, be Recommitted but the Committee not to go upon it till further direction from this Board.

Capt Walter Chairman of the Committee to whom was Committed the Bill Entituled, An Act for better clearing and further Laying out Highways Reported that they had gone through the said Bill and made some amendment thereto, which amendments was Read and agreed to by this Board

Ordered, that the said Bill with the said amendment be Read the third time.

Then the said Bill with the Amendment thereto was Read the third time.

Ordered, that Captain Walter do Carry to the House of Representatives the said Bill with the amendment made thereto and acquaint them that this Board has agreed to the said Bill with the said amendment to which they desire their concurrence.

Capt Walter Chairman of the Committee to whom was Committed the Bill Entituled, An Act for Setling the Militia of this Province and making of it usefull for the security and defence thereof and for repealing all former Acts relating to the same, Reported that they had gone through the same without any amendments

Ordered, that the said Bill be Ingrossed.

Coll. Beekman Chairman of the Committee to whom was Committed the Bill Entituled, An Act for Collecting and paying the arrears of Taxes for the two Expeditions to Canada, Reported that they had gone through the same without any amendments.

Ordered, that the said Bill be Read the third time

Then the said Bill was Read the third time and past without any amendments.

Ordered, that Coll Beekman do acquaint the House of Represent. that the Council has agreed to the said Bill without any amendments.

Mr Barberie Chairman of the Committee to whom was Committed the Bill Entituled. An Act continuing a Clause in An Act of General Assembly Entituled, An Act for the further laying out regulating and better clearing Publick Highways thro' out this Colony so far as it relates to the County of Suffolk in this Province, Reported that they had gone through the same without any amendments.

Ordered, that the said Bill be Read the third time

Then the said Bill was Read the third time and past without any amendments.

Mr Barberie Chairman of the Committee to whom was Committed the Bill Entituled, An Act to oblige the Treasurer to pay for the Stockadoes provided for the fortifications in Albany and Schenectady, Reported that they had gone through the same without any amendments

Ordered, that the Said Bill be Read the third time.

Then the Said Bill was Read the third time and past without Any Amendments

Ordered, that Mr Barberie do Acquaint the House of Represent that the Council has Agreed to the two Last Bills without any Amendments.

The Bill Entituled, An Act for paying Ebenezer Wilson, John Van Horn, Sarah the Widdow and Relict of Johannes Hardenbroock deceased, Abraham Gouverneur, Garrit Van Horn Jacobus Kip, David Provoost, and Johannes Jansen, was Read the Second time and Committed to the Gent. of this Board or any five of them.

The Bill Entituled, An Act for the further Continuing the Currency of Bills of Credit to the Value of Six thousand ounces of Plate for and during the time therein mentioned, Was Read a Second time and Committed to the Gent of this Board or any five of them.

At a Council held at Fort George in New-York, July ye 13th, 1721.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c.,

Capt WALTER,	Mr BARBERIE,
Coll. BEEKMAN,	Mr CLARKE.
Mr VAN DAM,	

A Message from the House of Representatives dated the 11th of this Instant by Coll. Provoost with the Bill Entituled, An Act to enable the Treasurer and Tonnage Officer of this Colony for the time being to recover the Several Arrears due and payable to the former Treasurer, and desiring the Concurrence of this Board thereto.

Ordered, that the Said Bill be Read the first time

Then the Said Bill was read the first time and

Ordered a Second Reading.

A Message from the House of Representatives dat. ye 11th Instant by Mr Cuyler with the Bill Entituled, An Act for the better repairing the Fortifications of the City of Albany and desiring the Concurrence of this Board thereto

Ordered, that the Said Bill be Read the first time.

Then the Said Bill was Read the first time and

Ordered, a Second Reading.

The Memorial of Andries Coeymans a member of the General Assembly for the mannor of Ranselarswyck in the County of Albany Against passing the Said Bill was Read.

A Message from the House of Represent. dated the 11th Instant by Mr Jansen with the Bill Entituled, An Act for Encouraging the Trade and Navigation of this Province of New York, and desiring the Concurrence of this Board thereto.

Ordered, that the Said Bill be Read the first time.

Then the Said Bill was read the first time and

Ordered, a Second Reading.

The Bill Entituled, An Act to enable the Treasurer and Tonnage Officer of this Colony for the time being to recover the Several Arrears due and payable to the former Treasurer, Was Read the Second time and Committed to the Gent. of this Board or any five of them.

Then Mr Harison took his place

The Bill Entituled, An Act for the better repairing the fortifications of the City of Albany, Was Read a Second time and Committed to the Gent. of this Board or any five of them.

Ordered, that the Memorial of Mr Coeyman relating to the Said Bill be Referred to the Same Committee.

The Bill Entituled, An Act for Encouraging the Trade and Navigation of this Province of New York, Was Read a Second time, and the question being put,

Whether the Said [Bill] be Committed?

It was Carryed in the negative

The question being likewise put,

Whether the Said Bill be Rejected?

It was Carryed in the Affirmative.

Ordered, that the Said Bill be Rejected.

*At a Council held at Fort George in New-York, July ye 14th*, 1721.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c.,

Capt WALTER,	Mr BARBERIE,
Coll. BEEKMAN,	Mr CLARKE,
M^r^ VAN DAM,	Mr HARISON.

Capt Walter Chairman of the Committee to whom was Committed the Bill Entituled, An Act to enable the Treasurer and Tonnage Officer of this Colony for the time being to recover the several arrears due and payable to the former Treasurer, Reported that they had gone through the said Bill and made some Amendments thereto, which Amendments were Read and agreed to by this Board.

Ordered, that said Bill with the said Amendments be Read the third time

Then the said Bill with the Amendments was Read the third time.

Ordered, that Capt Walter do carry to the House of Representatives the said Bill with the Amendments made thereto, to which this Board desires their Concurrence.

Francis Harison Esqr Chairman of the Committee to whom was Committed the Bill Entituled, An Act for paying Capt Ebenez. Wilson, Capt John Van Horn, Sarah the widdow and Relict of Johannes Hardenbrook deceased, Abraham Governeur, Garrit Van Horn, Jacobus Kip, David Provoost, and Johannes Jansen for serving in General Assembly, Reported that they had gone through the same without any Amendments

The question being put Whether the said Bill should lye for a further consideration

It was carryed in the negative

The question being likewise put Whether the said Bill be rejected

It was carryed in the affirmative.

Ordered, that the said Bill be rejected.

Coll. Beekman Chairman of the Committee to whom was Committed the Bill Entituled, An Act for the further continuing the Currency of Bills of Credit to the value of six thousand ounces of Plate for and during the time therein mentioned, Reported that they had gone through the same without any Amendments.

Ordered, that the said Bill be read the third time.

Then the said Bill was Read the third time and past without any amendments

A Message from the House of Represen^t^ by Mr Jansen acquainting this Board that the House of Representatives had agreed to the Amendment made by this Board to the Bill Entituled, An Act for the better clearing and further laying out Highways.

The Bill Entituled, An Act for Setling the Militia of this Province and making of it usefull for the security and defence thereof and for repealing all former Acts relating to the same, was Read the third time and past.

Ordered, that Captain Walter do carry the said Bill to the House of Representatives for their concurrence.

A Message from the House of Representatives dat. ye 14th Instant by Collonell Stillwell with the Bill Entituled, An Act for raising the sum of five hundred pounds for securing the Indians in his Majestys Interest and desiring the Concurrence of this Board thereto.

Ordered, that the said Bill be Read the first time.

Then the said Bill was read the first time and

Ordered, a Second Reading

The said Bill was Read a second time and Committed to the Gent. of this Board or any five of them.

Ordered, that the Deputy Clk^e^ of the Council do Acquaint the House of Represent. that the Bill relating to the Partition of Lands &c^a^ Is recommitted and that the Committee is to meet upon the same this afternoon.

At a Council held at Fort George in New York, July ye 20th, 1721.

PRESENT — *His Ex^cy* WILLIAM BURNET, Esqr, &c.,

Coll. BEEKMAN,
Mr BARBERIE,
Mr BYERLEY,
Mr CLARKE,
Doctor JOHNSTON,
Mr HARISON.

Francis Harison Esqr Chairman of the Committee to whom was Committed the Bill Entituled, An Act for raising the sum of five hundred pounds for Securing the Indians to his Majestys Interest, Reported that they had gone through the same without any Amendments.

Ordered, that the said Bill be Read the third time

Then the said Bill was Read the third time and past without any Amendm^ts

Ordered, that Francis Harison Esqr do acquaint the House of Representatives that the Council has agreed to the said Bill without any Amendments.

The Representation of Cadwalled^r Colden Esqr Survey^r Genl of the Province of New York, being Read, Is Referred to the Gent. of the Committee to whom was Recommitted the Bill relating to the Partition of Lands in Joint Tenancy.

A Message from the House of Representatives dated the 19th of this Instant by Captain Thomas Willet with the Bill Entituled, An Act for remiting and Exempting Gilbert Livingston from Paying the sum of three hundred pounds due from him for the Excise on Strong Liquors farmed by him, and desiring the Concurrence of this Board thereto.

Ordered, that the said Bill be read the first time.

Then the said Bill was Read the first time, and

Ordered, a second Reading

Then the said Bill was Read a Second time and Committed to the Gent. of this Board or any five of them

A Message from the House of Reprsent^s by Coll. Hicks with the Bill Entituled, An Act to Impower the Justices of the Peace in Queens County to sell the Court House and Goal in the said County and Build another, and desiring the Concurrence of this Board

Ordered, that the said Bill be Read the first time

Then the said Bill was Read the first time and

Ordered, a Second Reading.

Then the said Bill was Read the Second time and Committed to the Gent of this Board or any five of them.

At a Council held at Fort George in New York, July ye 21st, 1721.

PRESENT — *His Excellency* WILL. BURNET, Esqr, &c^a.,

Capt WALTER,
Coll. BEEKMAN,
M^r VAN DAM,
Mr BARBERIE,
Mr CLARKE,
Doctor JOHNSTON,
Mr HARISON.

Coll. Beekman Chairman of the Committee to whom was Committed the Bill Entituled, An Act for the better repairing the fortifications of the City of Albany, Reported that they had gone through the same without any amendments.

Ordered, that the said Bill be Read the third time.

Then the said Bill was Read the third time and past without any Amendments.

Ordered, that Coll. Beekman do acquaint the house of Representatives that the Council has agreed to the said Bill without any amendments.

John Barberie Esqr Chairman of the Committee to whom was Committed the Bill Entituled, An Act for remiting and Exempting Gilbert Livingston from Paying the sum of three hundred pounds due from him for the Excise on Strong Liquors farmed by him. Reported that they had gone through the same without any Amendments.

Ordered, that the said Bill be Read the third time.

Then the said Bill was Read the third time and past without any Amendments.

Francis Harison Esqr Chairman of the Committee to whom was Committed the Bill Entituled, An Act to Impower the Justices of the Peace in Queens County to Sell the Court House and Goals in the Said County and Build Another, Reported that they had gone through the Same without any Amendments.

Ordered, that the Said Bill be Read the third time.

Then the Said Bill was Read the third time and past without any Amendments.

Ordered, that Francis Harison Esqr do acquaint the House of Representatives that the Council has agreed to the Said Bill without any Amendments.

Rip Van Dam Esqr Chairman of the Committee to whom was Committed the Bill Entituled, An Act for facilitating the Partition of Lands in Joint Tenancy or in Common promoting the Setling and Improving thereof and rendring the Payment of the Quit Rents due there upon more certain and easy, Reported that they had gone through the Same with Some Amendments Which Amendm^ts were Read and Agreed to by this Board.

Ordered, that the Said Bill with the Said Amendments be Read the third time

Then the Said Bill with the Amendments, Was Read the third time.

Ordered, that Rip Van Dam Esqr do Carry to the House of Represent. the Said Bill with the Amendments made thereto to which they desire their Concurrence.

A Message from the House of Representatives by Coll. Provoost Acquainting this Board that the House Cannot Agree to the Amendments made to the Bill Entituled, An Act to Enable the Treasurer and Tonnage Officer of this Colony for the time being to Recover the Several Arrears due and payable to the former Treasurer.

The question being put

Whether the Board adhere to their Amendments made to the Said Bill? It is

Resolved, that this Board do adhere to the Said Amendments.

Ordered, that Captain Walters do Acquaint the House of Representatives that this Board do adhere to their Said Amendments.

Whereas this Board Cannot find that the late Treasurer gave Any Security for the discharge of his Office. It is

Ordered, that the Deputy Clerk of the Council do wait upon the Assembly and Acquaint them that this Board desires to know whether it does appear to them, that the Said Treasurer has given Any Such Security to whom and in what Sume.

A Message from the House of Represen^ties dat. the 20th Instant by Mr Kip with the Bill Entituled, An Act for the Encouraging Distilling in this Colony of New York, and desiring the Concurrence of this Board.

Ordered, that the Said Bill be Read the first time.

Then the Said Bill was Read the first time and Rejected.

At a Council held at Fort George in New-York, July ye 26th, 1721.

PRESENT — *His Excellency* WILL^m BURNET, Esqr, &c.,

Capt WALTER,
Coll. BEEKMAN,
M^r VAN DAM,
Mr BARBERIE,
Mr HARISON.

A Message from the House of Represen^ties by Coll. Hicks Acquainting this Board that the House of Representatives has agreed to the Bill Entituled, An Act for Setling the Militia of this Province, with Some amendments thereto, and desiring the Concurrence of this Board.

A Message from the House of Represen^ties, by Coll. Provoost desiring a free Conferrence on the Subject Matter of the Amendments made by this Board to the Bill Entituled, An Act to Enable the Treasurer and Tonnage Officer of this Colony, for the time being to recover the Several Arrears due to the former Treasurer Was Read

It is the opinion of this Board that a free conferrence cannot be agreed to till first a Conferrence is desired to which the reasons for it are given in Writeing, and an answer given in Writeing thereunto.

Ordered, that the Deputy Clke of the Council do carry a Copy of this minute to the House.

A Message from the House of Representatives by Coll. Provoost dated ye 22^d of this Instant with the Bill Entituled, An Act for the more equall and Impartial assessing the Ministers and poors Tax to be raised within the City and County of New York, Queens County, West Chester County and the County of Richmond, and desiring the Concurrence of this Board thereto.

Ordered, that the said Bill be Read the first time.

Then the said Bill was Read the first time, and

Ordered, a Second Reading

Then the said Bill was Read the second time, and Committed to the Gent. of this Board or any five of them.

A Message from the House of Representatives by Mr Cuyler and Mr Hansen dat. the 24th of this Inst. with the Bill Entituled, An Act for discharging the late Treasurer of this Colony Abraham Depeyster from any further demands to be made by the Governour, Council and General Assembly on account of his having been Treasurer of this Colony, and desiring the concurrence of this Board thereto.

Ordered, that the said Bill be Read the first time.

Then the said Bill was Read the first time, and referred to a further Consideration.

A Message from the House of Representatives by Captain Cuyper acquainting this Board that the House of Representatives had agreed to the amendments made by this Board to the Bill Entituled, An Act for facilitating the partition of Lands in Joint Tenancy or in Common promoting the setling and Improving thereof and rendring the payment of the Quit Rent due thereupon more certain and easy.

At a Council held at Fort George in New-York, July ye 27th, 1721.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c.,

Capt WALTER,
Coll. BEEKMAN,
M^r VAN DAM,
Mr BARBERIE,
Mr CLARKE,
Mr BYERLEY,
Doctor JOHNSTON.

Capt Walter Chairman of the Committee to whom was Committed the Bill Entituled, An Act for more equall and Impartial assessing the Ministers and Poors Tax to be raised within the City and County of New York, Queens County, West Chester County, and the County of Richmond, Reported that they had gone through the same without any amendments.

Ordered, that the said Bill be Read the third time.

Then the said Bill was Read the third time and past without any amendments.

Ordered, that Captain Walter do acquaint the house of Representatives that the Council has agreed to the said Bill without any amendments.

Ordered, that Captain Walter do acquaint the house of Representatives that the Council has agreed to the amendments made by that House to the Bill Entituled, An Act for the Setling the Militia of this Province and the making of it usefull for the security and Defence thereof and for repealing all former Acts relating to the same.

Vpon Reading the Petition of George Clarke Deputy Auditor of the Province of New York, praying that this Board will not proceed any further on the Bill Entituled, An Act for discharging the late Treasurer Coll. Abraham Depeyster from any further Demands to be made by the Governour, Council and General Assembly, on acc^t of having been Treasurer of this Colony, untill he be heard against it, and that in the mean time he may have a copy thereof.

Which said Bill having been Read the third time yesterday, and Referred to further consideration It is

Ordered, that the said Bill be not further proceeded upon Vntill the said Deputy Auditor be heard, and that in the meantime he have a Copy thereof.

At a Council held at Fort George in New-York, July ye 27th, 1721.

Post Meridiem

PRESENT — *His Excell^cy* WILLIAM BURNET, Esqr, &c.,

Capt WALTER,
Coll. BEEKMAN,
M^r VAN DAM,
Mr BARBERIE,
Mr CLARKE,
Mr BYERLEY,
Doctor JOHNSTON.

Ordered, that the Deputy Clke of the Council do acquaint the House of Representatives that his Excellency commands their attendance in the Council Chamber Immediately.

The Asssembly accordingly attending with their Speaker his Excellency gave his Assent to the following Acts. (vizt)

1 An Act for Setling the Estate of Albertus Conradus Bosch late of the City of New York, Sword Cutler, deceased

2 An Act for Enabling such Person as his Excellency the Governour shall appoint, to receive and collect the Dutys due and payable in the County of Suffoik by virtue of An Act of General Assembly of this Province passed in the seventh year of his Majestys Reign Entituled, An Act for a supply to be granted by his Majesty for Supporting the Governm^t in the Province of New York during the time therein mentioned.

3. An Act for collecting and paying the arrears of Taxes for the two Expeditions to Canada.

4 An Act to oblige the Treasurer to pay for the Stockadoes provided for the Fortifications in Albany and Schenectady.

5 An Act continuing a clause in An Act of General Assembly Entituled, An Act for the further laying out regulating and better clearing Publick Highways thro' out this Colony so far as it relates to the County of Suffolk in this Province.

6 An Act for the further continuing the Currency of Bills of Credit to the value of Six thousand ounces of Plate for and during the time therein mentioned.

7 An Act for the better repairing the fortifications of the City of Albany.

8 An Act to Impower the Justices of the Peace in Queens County to sell the Court House and Goals in the said County and Build another.

9 An Act for remiting and Exempting Gilbert Livingston from paying the sum of three hundred pounds due from him for the Excise on Strong Liquors farmed by him.

10 An Act for raising the sum of five hundred pounds for Securing the Indians in his Majestys Interest.

11 An Act to prevent Vagrant and Idle Persons from being a charge and expence to any the Countys, Citys, Towns, Mannors or Precincts within this Province.

12 An Act to prevent Lotteries in the Province of New-York

13 An Act for the more equall and Impartiall Assessing the Minister and Poors Tax to be raised within the City and County of New-York, Queens County, West Chester County and County of Richmond.

14 An Act to Continue the Common Road or Kings highway from the Ferry towards the town of Breuckland on the Island of Nassaw in the Province of New-York.

15 An Act for regulating Fences for the several Citys and Countys within this Colony.

16 An Act for better clearing and further Laying out Highways.

17 An Act to Enable Susanna Parmyter to Sell Dispose of a House and Lott ground in the City of New York.

18 An Act to Impower Gilbert Livingston to Sell and Dispose of certain Lotts of Land Scituate Lying and being in the City of New York.

19 An Act for naturalizing Johannes Van Solingen, Johan. Remerse, Henry Schliedorn, Johan. Bernard Vodiren, and Joh. Hanse.

20 An Act for Setling the Militia of this Province, and making of it more usefull for the Security and Defence thereof and for repealing all former Acts relating to the same

Then his Excellency desired the Assembly to adjourn themselves to the first Tuesday in October next.

[N. Y. Col. MSS., LXIII., 165.]

By his Excellency

WILLIAM BURNET, Esq; Captain General and Governour in Chief of the Provinces of New-York, New Jersey, and Territories thereon Depending in *America*, and Vice Admiral of the same, &c.

A PROCLAMATION

WHEREAS the General Assembly of the Province of *New-York* stands Adjourned until Tuesday the seventh Day of this Instant, I have thought fit, for his Majesty's service, and by virtue of the Powers and Authorities to Me given by his Majesty's Letters Patents under the Great Seal of Great Britain, further to Adjourn the said General Assembly until *Tuesday* the *Fifth* Day of *December* next; And I do hereby accordingly Adjourn the said General Assembly until *Tuesday* the *Fifth* Day of *December* next, Of which all his Majesty's Subjects are to take Notice, and Govern themselves accordingly.

Given under my Hand and Seal at Arms at Fort George *in* New-York *the Fourth Day of* November, *in the Eighth year of his Majesty's Reign,* Annoq Domini 1721.

W. BURNET.

By his Excellency's Command,
Is Bobin, *D. Secry.*

God save the KING.

[N. Y. Col. MSS., LXIV., 20.]

By his Excellency

WILLIAM BURNET, Esq; Captain General and Governour in Chiéf of the Provinces of New-York New Jersey, and Territories thereon Depending in *America*, and Vice Admiral of the same, &c.

A PROCLAMATION

WHEREAS the General Assembly of the Province of *New-York* stands Adjourned until Tuesday the Sixth Day of *February* next, I have thought fit, for his Majesty's Service, and by virtue of the Powers and Authorities to Me given by his Majesty's Letters Patents under the Great Seal of Great Britain, further to Adjourn the said General Assembly until the *Second Tuesday* in *March* next; And I do hereby accordingly Adjourn the said General Assembly until the *Second Tuesday* of *March* next, Of which all his Majesty's Subjects are to take Notice, and Govern themselves accordingly.

Given under my Hand and Seal at Arms at Fort George *in* New-York *the* 27th *Day of* January *in the Eighth year of His Majesty's Reign*, Annoq; Domini, 1721.

W. BURNET.

By his Excellency's Command
Is Bobin, *D Secry.*

God save the KING.

[N. Y. Col. MSS., LXIV., 31.]

By his Excellency

WILLIAM BURNET Esq; Captain General and Governour in Chief of the Provinces of New-York New-Jersey, and Territories thereon Depending in *America*, and Vice-Admiral of the same, &c.

A PROCLAMATION

WHEREAS the General Assembly of the Province of New-York stands Adjourned until Tuesday the Thirteenth Day of March next I have thought fit, for his Majesty's Service, and by virtue of the Powers and Authorities to Me given by his Majesty's Letters Patents under the Great Seal of *Great Britain*, further to Adjourn the said General Assembly until the *Second Tuesday* in Aprill next; And I do hereby accordingly Adjourn the said General Assembly until the *Second Tuesday* of *Aprill* next, Of which all his Majesty's Subjects are to take Notice, and Govern themselves accordingly.

Given under my Hand and Seal at Arms at Fort George *in* New-York *the Twenty Seventh Day of February in the Eighth year of His Majesty's Reign*, Annoq; Domini 1721.

W. BURNET.

By his Excellency's Command,
Is Bobin, *D Secry.*

God save the KING.

[N. Y. Col. MSS., LXIV., 51.]

By his Excellency

WILLIAM BURNET, Esq; Captain General and Governour in Chief of the Provinces of New-York, New-Jersey, and Territories thereon Depending in *America*, and Vice-Admiral of the same, &c.

A PROCLAMATION

WHEREAS the General Assembly of the Province of *New-York* stands Adjourned until Tuesday the Tenth of this Instant, I have thought fit, for his Majest's Service, and by Virtue of the Powers and Authorities to Me given by his Majesty's Letters Patents under the Great Seal of *Great Britain*, further to Adjourn the said General Assembly until *Tuesday* the *Eighth* day of *May* next. And I do hereby accordingly Adjourn the said General Assembly until *Tuesday* the *Eighth* Day of *May* next, of which all his Majesty's Subjects are to take Notice, and Govern themselves accordingly.

Given under My Hand and Seal at Arms at Fort George *in* New-York *this Second Day of April in Eighth Year of His Majesty's Reign*, Annoq; Domini 1722

By his Excellency's Command, W. BURNET.
Is Bobin, *D. Secry.*

God save the KING.

[N. Y. Col. MSS., LXIV., 55.]

By his Excellency

WILLIAM BURNET, Esq; Captain General and Governour in Chief of the Provinces of New-Jersey, New-York and Territories Depending thereon in *America*, and Vice-Admiral of the same, &c.

A PROCLAMATION

WHEREAS the General Assembly of the Province of *New-York* stands Adjourned until Tuesday the Eighth Day of May next, I have thought fit, for his Majesty's Service, and by Virtue of the Powers and Authorities to Me given by his Majesty's Letters Patents under the Great Seal of *Great Britain*, to Prorogue the said General Assembly until *Tuesday* the *Twenty Ninth* Day of *May* next. And I do hereby accordingly Prorogue the said General Assembly until *Tuesday* the *Twenty Ninth* Day of *May* next, Then to meet at the City of New-York, Of which all his Majesty's Subjects are to take Notice, and Govern themselves accordingly.

Given Under My Hand and Seal at Fort George *in* New-York *the Thirtieth Day of* April, *in the Eighth Year of his Majesty's Reign*, Annoq; Domini 1722

By his Excellency's Command, W. BURNET.
Is. Bobins, *D. Secry.*

God save the KING.

SEVENTEENTH ASSEMBLY TENTH SESSION.

At a Council held at Fort George in New-York, May the 30th, 1722.

PRESENT — *His Excellency* WILLIAM BURENET, Esqr,

Capt WALTER,	Mr CLARKE,
Coll. BEEKMAN,	Mr HARISON,
Mr VAN DAM,	Doctor COLDEN,
Mr BARBERIE,	Mr MORRIS Junr.

Ordered, that the Deputy Cl. of the Council do acquaint the House of Representatives that his Excellency requires their attendance at the Council Chamber precisely at the hour of twelve.

The Assembly accordingly attending with their Speaker his Excellency made to them the following speech in these words. (vizt.)

Gentlemen,

I have so much reason to expect your ready concurrence in every thing which is requisite for the Publick Service, that I meet you with a cheerfull confidence, and an Entire Dependence on your making Effectual all your former Resolutions to that End, and your coming to such new ones as will enable me to carry on those measures on the Frontier of this Province which I have begun with some success, and which are of the greatest moment for your security.

I have now for a long time waited for the Confirmation of your Act for laying two ℔ cent on Europian Goods, But Cannot avoid telling you not only that it is not Confirmed but by my best advices it never will, and the reason Is not hard to guess When the Legislature at home have passed a Law to give a premium upon the Exportation of the British Manufactures It is scarce to be Expected that the Crown will consent to a duty on those very Manufactures when Imported into the Plantations. As you were Convinced of the Necessity of passing this Act formerly I can have no Doubt of your readyness to find other ways to provide for the Same purposes in a Manner that will prove real. There is another expectation from the Act of the Support of Government which you will find has not Answered, and that is the Sinking of a large Sum of Bills of Credit out of it, which is So far from being possible that the Revenue will not even Answer when this Load shall be taken off.

I Depend therefore upon your Care to provide Another way to Sink those paper Bills. I must take this occasion to recommend it to you to Enquire how Publick Moneys have been Managed since your last meeting, and whether due care has been taken to recover all the Arrears due to the Publick and to apply them according to Law, and whether due obedience has yet been paid to my orders given in Council to promote that Service.

I Doubt not but you will pay a due deference to his Majestys Commands to me to take Care that the Revenue be accounted For to his Majestys proper officer of which I will Send you a Copy, as likewise will of the manner in which the Small Sum given last year for the Service of the Frontier has been Disposed of, that you may See the frugality with which it has been managed

The Same frugality shall be observed in the application of whatever Sum shall be now given for the like Services, and for the Errecting and Maintaing a Magazine for Powder, of which you all know the necessity for the Safety of this flourishing City.

Gentlemen,

I hope a Sincere and disinterested love of our Country will be our Rule in all our proceedings, That all private views and indirect measures be discountenanced, and particularly that in your providing for the pressing occasions of the Publick you will turn your thoughts in Such manner as will best Suit the ease and General Inclination of the People, and tend to Encourage the Industry and multiply the number of the Inhabitants of this Province. I shall readily Join as far as I am able in any Laws which you can think for the benefit of this Colony, and Shall always have the greater Satisfaction in my own mind, and think I do the most acceptable Service to my Sovereign when I promote the happyness of the People.

At a Council held at Fort George in New-York, June ye 14th, 1722.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c.,

Coll. BEEKMAN,
Mr BARBERIE,
Mr BYERLEY,
Mr CLARKE,
Doctor COLDEN,
Mr ALEXANDER,
Mr MORRIS Junr.

A Message from the House of Representatives by Coll. Provoost dated the 11th Instant with the Bill Entituled, An Act for making more Effectual An Act Entituled, An Act for a Supply to be granted to his Majesty for Supporting his Government in the Province of New-York during the time therein mentioned and for repealing One Act of the General Assembly of this Province Entituled, An Act for a Supply to be Granted to his Majesty for Supporting his Government in the Province of New York from the first day of July which shall be in the year of Our Lord 1720 to the first day of July 1721 and desiring the Concurrence of this Board thereto.

Ordered, that the Said Bill be Read the first time.

Then the Said Bill was Read the first time, and

Ordered a Second Reading.

At a Council held at Fort George in New-York, June ye 16th, 1722.

PRESENT— *His Excellency* WILLIAM BURNET, Esqr, &c.,

Coll BEEKMAN,
M^r VAN DAM,
Mr BARBERIE,
Doctor COLDEN,
Mr ALEXANDER,
Mr MORRIS, Junr

The Bill Entituled, An Act for making more Effectual An Act Entituled, An Act for a supply to be Granted to his Majesty for supporting his Government in the Province of New York during the time therein mentioned and for Repealing one Act of the General Assembly of this Province Entituled, An Act for a supply to be Granted to his Majesty for supporting his Government in the Province of New York from the first day of July which shall be in the year of our Lord 1720 to the 1st of July 1721, Was Read the second time and Committed to the Gent. of this Board or any five of them.

At a Council held at Fort George in New York, June ye 21st, 1722.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c.,

Coll. BEEKMAN,
M^r VAN DAM,
Mr BARBERIE,
Mr HARISON,
Doctor COLDEN,
Mr ALEXANDER.

A Message from the House of Represent. dat. the 18th Instant with the Bill Entituled, An Act for Erecting, building and maintaining a Magazine for the Holding of Gun Powder In the City of New York for Publick use and for Providing for the maintenance of a Storekeeper (*sic*) for the Turning and keeping of the same, and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read the first time.

Then the said Bill was read the first time, and

Ordered, a second Reading.

At a Council held at Fort George in New-York, June ye 22^d, 1722.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c.,

Coll. BEEKMAN,
M^r VAN DAM,
Mr BARBERIE,
Mr HARISON,
Doctor COLDEN,
Mr ALEXANDER.

The Bill Entituled, An Act for Erecting, Building and maintaining a Magazine for the holding of Gun Powder in the City of New York For Publick use and for providing for the maintenance of a Stroekeeper for the turning and keeping of the same. Was Read the second time, And

The question being put,
Whether the same be rejected ?
It was carryed in the negative,
Then the question was put
Whether the same be rejected
It was carryed in the affirmative.

Ordered, that Mr Barberie do acquaint the House of Representatives that this Board has rejected the said Bill

Mr Barberie Chairman of the Committee to whom was referred the Bill Entituled, An Act for making more Effectual An Act Entituled, An Act for a supply to be Granted to his Majesty for supporting his Government in the Province of New York during the time therein mentioned and for repealing one Act of the General Assembly of this Province Entituled, An Act for a supply to be granted to his Majesty for supporting his Government in the Province of New York from the first day of July which shall be in the year of our Lord 1720. to the first day of July 1721. acquainted this Board that the Committee had considered of the same and was ready to make their report when this Board would please to receive the same.

Ordered, that the said report be made immediately.

Then the said Mr Barberie in his place reported that the said Committee had gone through the said Bill and agreed to the same without Amendment.

Ordered, that the said Bill be Read the third time

Then the said Bill was read the third time.

Ordered, that the said Bill do pass without Amendment.

Ordered, that Mr Barberie do acquaint the House of Represent. that this Board has past the said Bill without Amendment.

A Message from the House of Represent. by Coll. Hicks acquainting this Board that the House of Representatives had past a Bill Entituled, An Act for reviving An Act of General Assembly Intituled, An Act to prevent Damages by Swine in the County of West Chester, Queens County, and the County of Richmond, and including King County and Orange County in the same manner.

Ordered, that the said Bill be Read the first time.

Then the said Bill was read the first time and

Ordered, a second reading.

Ordered, that the Deputy Cl. of the Council do acquaint the House of Representatives that his Excellency requires their Attendance at the Council Chamber immediately.

The Assembly accordingly attending with their Speaker his Excellency gave his Assent to the following Act (vizt)

An Act for making more Effectual An Act Entituled, An Act for a supply to be granted to his Majesty for supporting his Government in the Province of New York during the time therein mentioned and for repealing one Act of the General Assembly of this Province Entituled, An Act for a supply to be Granted to his Majesty for supporting his Governmt in the Province of New York from the first Day of July which shall be in the year 1720. to the first Day of July 1721

A Message from the House of Representatives by Coll. Provoost acquainting this Board that the House of Representatives had past a Bill Entituled, An Act Appointing Commissioners to Let to farm the Excise of Strong Liquors in the Citys and Countys of this Colony, and desiring the concurrence of this Board thereto.

Ordered, that the said Bill be Read the first time.

Then the said Bill was Read the first time, and

Ordered a Second Reading.

At a Council held at Fort George in New York, June ye 26th, 1722.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c.,

Coll. BEEKMAN,	Mr HARISON,
Mr VAN DAM,	Doctor COLDEN,
Mr BARBERIE,	Mr ALEXANDER.

The Bill Entituled, An Act Appointing Commissioners to Let to Farm the Excise of Strong Liquors in the Citys and Countys in this Colony Was Read the second time and Committed to the Gent. of this Board or any five of them

The Bill Entituled, An Act of Genl Assembly Entituled, An Act to prevent Damages by Swine in the Countys of West Chester, Queens County and the County of Richmond and for including Kings County and Orange County in the same manner, was Read the second time, and Committed to the Gent. of this Board or any five of them.

At a Council held at Fort George in New-York, June ye 28th, 1722.

PRESENT — *His Excelleney* WILLIAM BURNET, Esqr,

Capt WALTER,	Mr HARISON,
Coll. BEEKMAN,	Doctor COLDEN,
M^r VAN DAM,	Mr ALEXANDER,
Mr BARBERIE,	Mr MORRIS, Junr

Mr Van Dam Chairman of the Committee to whom was Committed the Bill Entituled, An Act to prevent Damages by Swine in the County of West Chester, Queens County and the County of Richmond and for including Kings County and Orange County in the same manner, Acquainted this Board that the Committee had considered of the same and was ready to make their Report when this Board would please to receive the same.

Ordered, that the said Report be made immediately.

Then Mr Van Dam in his place reported that the said Committee had gone through the said Bill and made the following amendment thereto. (Viz^t) at the End of the Bill insert this clause. Provided always that this Act do extend only to that part of the County of Orange which Lyes to the Southward of the High Lands in the said County of Orange anything in this Act before contained to the contrary notwithstanding.

Which being Read was approved of by this Board

Ordered, that the said Bill be Read the third time as amended.

Then the said Bill was Read the third time as amended.

Ordered, that the said Bill do pass as amended.

Ordered, that Mr Van Dam do acquaint the House of Representatives that this Board has past the said Bill with one amendment, and that he do carry the said Bill to the House of Representatives, and desire their concurrence to the same.

A Message from the House of Representatives by Mr Hutchinson acquainting this Board that the House of Representatives had past a Bill Entituled, An Act continuing a Clause in An Act of General Assembly Entituled, An Act for the further regulating and better clearing Publick Highways throughout this Colony so far as it relates to the County of Suffolk and desiring the concurrence of this Board thereto.

Ordered, that the said Bill by Read the first time.

Then the said Bill was Read the first time and

Ordered, a Second Reading

A Message from the House of Represent. by Coll Provoost with the Bill Entituled, An Act for paying Garrit Van Horn, Jacobus Kip, David Provoost and Johannes Jansen Esq^rs for Serving in General Assembly and desiring the concurrence of this Board thereto.

Ordered, that the said Bill be Read the first time.

Then the said Bill was Read the first time and

Ordered, a Second Reading.

A Message from the House of Representatives by Coll. Rutsen with the Bill Entituled, An Act of the General Assembly of this Colony for Settling the boundaries between the Lands Granted by Patent unto Cornelius Cool, Adrian Gerritse, Mathias Ten Eyck, Jacobus Dubois, Johannes Schipmoes, Roelif Swartwout, Cornelius Rammerse, Peter Peterse, Lawrence Osterhout, and Jannetie Newkerk Scituate Lying and being in the County of Ulster commonly called the Town of Hurly and the Lands Granted by Patent unto Coll Henry Beekman, Capt Thomas Garton and Captain Charles Broadhead, Trustees for and on the behalf of the Inhabitants of the Town of Marbletown in the County of Ulster aforesaid made in the fourth year of his Majestys Reign. and desiring the concurrence of this Board thereto.

Ordered, that the said Bill be Read the first time.

Then the said Bill was Read the first time and

Ordered, a Second Reading

A Message from the House of Representatives by Mr Cuyler with the Bill Entitled, An Act for the payment of the Representatives of the City and County of Albany, and desiring the concurrence of this Board thereto.

Ordered, that the said Bill be Read the first time.

Then the said Bill was read the first time, and

Ordered a second Reading.

At a Council held at Fort George in New-York, July ye 3^d, 1722.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c.,

M^r VAN DAM, Mr ALEXANDER,
Mr BARBERIE, Mr MORRIS Junr.
Doctor COLDEN,

A Message from the House of Represent. by Coll. Gausbeek Chambers with the Bill Entituled, An Act for the better setling and ascertaining the South bounds and Limits of the County of Albany on the West side of Hudsons River and the north bounds of the County of Ulster on the West side of Hudsons River, and desiring the Concurrence of this Board thereto.

Ordered, that the said Bill be Read the first time

Then the said Bill was read the first time, and

Ordered, a second reading

Then the said Bill was Read the second time and Committed to the Gent. of this Board or any five of them.

A Message from the House of Representatives by Coll. William Willet with the Bill Entituled, An Act for continuing the Currency of Bills of Credit to the Value of three thousand ounces of Plate till the first Day of July which Will be in they year one thousand seven hundred and twenty four, and desiring the concurrence of this Board thereto.

Ordered, that the said Bill be Read the first time

Then the said Bill was Read the first time, and

Ordered, a second Reading

Then the said Bill was Read the second time and committed to the Gent. of this Board or any five of them.

The Bill Entituled, An Act of the General Assembly of this Colony Entituled, An Act for the settling the boundaries between the Lands Granted by Patent unto Cornelius Cool, Adrian Gerritse, Mathias Ten Eyck, Jacobus Dubois, Johannis Schipmoes, Roelif Swartwout, Cornelius Lamerse, Peter Peterse, Lawrence Oysterhout and Jannetie Newkirk scituate Lying and being in the County of Ulster commonly called the Town of Hurly, and the Lands Granted by Patent unto Coll Henry Beekman, Capt Thomas Garton and Captain Charles Broadhead Trustees for and on the behalf of the Inhabitants of the Town of Marbletown in the County of Ulster aforesaid made in the fourth year of his Majestys Reign, was Read the second time.

The Bill Entituled, An Act for the Payment of the Representatives of the City and County of Albany. Was Read the second time and committed to the Gent. of this Board or any five of them.

The Bill Entituled, An Act for paying Gerrit Van Horn, Jacobus Kip, David Provoost, and Johannes Jansen Esq^rs for serving in General Assembly Was Read the second time and committed to the Gent. of this Board or any five of them,

The Bill Entituled, An Act Continuing a Clause in An Act of General Assembly Entituled, An Act for the further regulating and better clearing Publick Highways thro' out this Colony so far as it Relates to the County of Suffolk in this Province, Was Read the second time and committed to the Gent. of this Board or any five of them.

A Message from the House of Representatives by Capt Cuyper acquainting this Board that the House of Representatives had agreed to the amendments made by this Board to the Bill Entituled An Act for reviving An Act of General Assembly Entituled, An Act to prevent Damages by Swine in the County of West Chester, Queens County and the County of Richmond and for including Kings County and Orange County in the same manner.

His Excellency withdrawing The Gent of the Council Resolved into a Committee.

His Excellency Returning to the Council Chamber.

Mr Morris Junr Chairman of the Committee to whom was Committed the Bill Entituled, An Act for continuing the Currency of Bills of Credit to the Value of Three thousand ounces of Plate till the first Day of July which will be in the year one thousand seven hundred and twenty four, acquainted this Board that the Committee had considered of the same and was ready to make their Report when this Board would please to receive the same

Ordered, that the said Report be made immediately.

Then the said Mr Morris Junr in his place, Reported that the said Committee had gone through the said Bill and agreed to the same without amendment.

Ordered, that the said Bill be Read the third time.

Then the said Bill was Read the third time

Ordered, that the said Bill do pass without amendment.

Ordered, that Mr Morris Junr do acquaint the House of Representatives that this Board has past the said Bill without amendment.

At a Council held at Fort George in New-York, July ye 5th, 1722.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c.,

Capt WALTER,
Coll. BEEKMAN,
M^r VAN DAM,
Doctor COLDEN,
Mr ALEXANDER,
Mr MORRIS, Junr.

Ordered, that the Bill Entituled, An Act for Explaining An Act of the General Assembly of this Colony Entituled, An Act for Setling the boundaries between the Towns of Hurly and Marbletown &c^a do Lye on the Table together with the Petition of Adrian Gerritse.

Ordered, likewise that the Petitions of Charles Broadhead and others, and the Petition of Cornel Elting relating to the said Bill do also Lye on the Table.

Mr Alexander Chairman of the Committee to whom was Committed the Bill Entituled, An Act continuing a clause in An Act of General Assembly Entituled, An Act for the further regulating and better clearing Publick Highways thro' out this Colony so far as it relates to the County of Suffolk in this Province, Acquainted this Board that the Committee had considered of the same and was ready to make their Report when this Board would please to receive the same.

Ordered, that the said Report be made immediately.

Then the said Mr Alexander in his place reported that the said Committee had gone through the said Bill and agreed to the same without amendment.

Ordered, that the said Bill be read the third time.

Then the said Bill was Read the third time.

Ordered, that the said Bill do pass without amendment.

Ordered, that Mr Alexander do acquaint the House of Representatives that this Board has past the said Bill without amendment.

At a Council held at Fort George in New York, July ye 6th, 1722.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c^a.,

Capt WALTER,
Coll. BEEKMAN,
M^r VAN DAM,
Mr BARBERIE,
Mr HARISON,
Doctor COLDEN,
Mr ALEXANDER,
Mr MORRIS, Junr.

A Message from the House of Represen^t by Coll. Morris with the Bill Entituled, An Act for the further and more Effectual Prohibiting the Selling Indian Goods to the French, And desiring the concurrence of this Board thereto.

Ordered, that the said Bill be Read the first time

Then the said Bill was Read the first time and

Ordered a second Reading.

Then the said Bill was Read the second time, and Committed to the Gent. of this Board or any five of them, and

Ordered, that the said Committee do prepare a clause in the said Bill to continue An Act Entituled, An Act for the Encouragement of the Indian Trade, and rendring it more beneficial to the Inhabitants of this Province and for Prohibiting the Selling of Indian Goods to the French Till the 9th of November seventeen hundred and twenty three, and from thence to the End of the next Session of the General Assembly that shall be thereafter.

The Petition of Johannes Cuyler and Hend^k Hansen Esq^rs in behalf of the Justices of the Peace for the City and County of Albany, praying that the Bill Entituled, An Act for the better settling and ascertaining the south bounds and Limits of the County of Albany on the Westside of Hudsons River and the north bounds of the County of Ulster on the West side of Hudsons River, May not pass till the said Justices be heard against the same, Being Read.

Ordered, that the said Petition be referred to the Gent. of the Council or any five of them to whom the said Bill is committed.

His Excellency withdrawing, the Gent. of the Council Resolved into a Committee.

His Excellency returning to the Council Chamber

Mr Morris Junr Chairman of the Committee to whom was Committed The Bill Entituled, An Act for the further and more Effectual Prohibiting The Selling Indian Goods to the French acquainted this Board that the Committee had considered of the same and was ready to make their Report, when this Board would please to receive the same.

Ordered, that the said Report be made immediately.

Then the said Mr Morris Junr in his place Reported, that the said Committee had gone through the said Bill and agreed to the same with the following Amendments (vizt) fol. 5th Line the 1st

between the word [applyed] and the word [as] Insert these words [two thirds thereof] fol. 5th Line ye 1st between the word [And] and the word [shall] insert these words [The other third thereof to such Person or Persons as shall jnform and sue for the same by Bill Plaint or Information wherein there shall be no Essoine protection or Wager of Law or any more than one Imparlance, and the Person convicted] fol. 6th Line ye 10th after the word [Pounds] leave out the word [aforesaid] and insert these words [To be applyed two thirds thereof for Building and Repairing The said Fortifications the other third to such Person or Persons as shall Inform and sue for the same, by Bill Plaint or Information, wherein there shall be no Essoine protection or Wager of Law or any more than one Imparlance]

fol. 7th Line the 16th after the word [is] and before the words [before directed] insert the the word [first]

fol. 11th Line the 3d after the word [herein] and before the words [before directed] insert the word [first]

fol. 11th Line the 18th after the word [applyed] leave out to the End of that line, and in lieu thereof insert these words [Two thirds thereof for building and repairing the Said Fortifications, the other third thereof to Such Person or Persons as shall Inform and Sue for the Same by Bill, Plaint or Information wherein there shall be no Essoine protection or Wager of Law or any more than one Imparlance]

Before the Penult Line of the 11th Page insert this Clause: And be it Enacted by the Authority aforesaid, That it is meant and intended that So much of the Forfeitures in this Act mentioned to be applyed towards Building and repairing Fortifications are to his Majesty his heirs and Successors to be applyed as particularly above directed, and the residue of the Forfeitures in this Act mentioned to the Informer.

At the End of the Bill jnsert this clause: And be it Enacted by the Authority aforesaid That the before mentioned Act Entituled, An Act for the Encouragement of the Indian Trade and rendring it more beneficial to the Inhabitants of this Province and for Prohibiting the Selling of Indian Goods to the French, Shall be and Continue in Force during the Continuance of this Present Act and no longer.

Ordered, that the Said Bill with the amendments be Read the third time.

Then the Said Bill was Read the third time with the Amendments

Ordered, that the Said Bill do pass as Amended.

Ordered, that Mr Morris Junr do Acquaint the House of Representatives that this Board has past the Said Bill with Some Amendments, and that he Carry the Said Bill to the House of Representatives with the Amendments made thereto and desire their Concurrence to the Same

At a Council held at Fort George in New-York, July y 7th, 1722.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca.,

Capt WALTER,
Coll BEEKMAN,
Mr BARBERIE,
Mr HARISON,
Doctor COLDEN,
Mr ALEXANDER,
Mr MORRIS, Junr.

A Message from the House of Represent by Capt Jansen with the Bill Entituled, An Act for the more Speedy and Effectual recovery of arrears due and payable for Dutys laid within this Colony and desiring the Concurrence of this Board thereto.

Ordered, that the Said Bill be Read the first time.

Then the Said Bill was Read the first time, and

Ordered a Second Reading.

Then the Said Bill was Read the second time and Committed to the Gent. of this Board or any five of them.

A Message from the House of Representatives by Coll Provoost acquainting this Board that the House of Represent had agreed to the Amendments made by this Board to the Bill Entituled, An Act for the further and more Effectual Prohibiting the Selling Indian Goods to the French.

His Excellency withdrawing, The Council Resolved into a Committee.

His Excellency Returning to the Council Chamber.

Mr Morris Junr Chairman of the Committee to whom was Committed the Bill Entituled, An Act for the more speedy and Effectual recovery of arrears due and payable for Dutys laid within this Colony acquainted this Board that the Committee had considered of the same and was ready to make their Report when this Board would be pleased to receive the same.

Ordered, that the said Report be made immediately.

Then the said Mr Morris Junr in his place reported that the said Committee had gone through the said Bill and agreed to the same with the following amendments Vizt

fol. 2d Line 13th after the word [Colony] leave out all to the End of the fourteenth Line and in lieu thereof Insert the words [before the Publication hereof]

fol. 3d Line 8th after the word [Treasurer] leave out all unto the word [For] in the 9th Line and in lieu thereof insert the words [before the Publication hereof]

The last line of the Bill instead of the word [six] insert the word [three]

Ordered, that the said Bill with the amendments be Read the third time.

Then the said Bill was Read the third time with the amendments

Ordered, that the said Bill do pass as amended.

Ordered, that Mr Morris Junr do acquaint the House of Representatives that this Board has past the said Bill with some amendments and that he carry the said Bill to the House of Representatives with the amendments made thereto, and desire their concurrence to the same.

At a Council held at Fort George in New-York, July 7th, 1722.

Post Meridiem.

Prsentibus — *Eisdem*

A Message from the House of Representatives by Mr Hutchinson acquainting this Board that the House of Representatives had agreed to the amendments made by this Board to the Bill Entituled, An Act for the more speedy and Effectual recovery of arrears due and payable for Dutys laid within this Colony.

Ordered, that the Deputy Clerk of the Council do acquaint the House of Representatives, that his Excellency requires their attendance at the Council Chamber immediately.

The Assembly accordingly attending with their Speaker his Excellency gave his assent to the following acts (vizt)

1 An Act for continuing the Currency of Bills of Credit to the value of three thousand ounces of Plate till the first Day of July which will be in the year of our Lord 1720 to the first Day of July which will be in the year of Lord 1724

2 An Act continuing a clause in An Act of General Assembly Entituled, An Act for the further Laying out, Regulating and Clearing Publick Highways throughout this Colony, so far as it relates to the County of Suffolk in this Province.

3 An Act Reviving An Act of General Assembly Entituled, An Act to prevent Damages by Swine in the County of West Chester, Queens County and the County of Richmond and for including Kings County and Orange County in the same manner.

4 An Act for the more Speedy and Effectual recovery of Arrears due and payable for Dutys laid within this Colony.

5 An Act for the further and more Effectual Prohibiting the Selling Indian Goods to the French.

Then his Excellency desired the Assembly to adjourn themselves to the last Tuesday in September next.

[N. Y. Col. MSS., LXIV., 133.]

By his Excellency

WILLIAM BURNET Esqr Capt Generall and Governour in Chief of the Provinces of New-
(L. S.) York, New Jersey and Territories thereon Depending in *America*, And Vice Admirall of the same, &c.

A PROCLAMATION

WHEREAS the Gen'all Assembly of the Province of *New York* stands Adjourned untill Wednesday the Twenty sixth of this Instant I have thought fit for his Majestys Service and by virtue of the powers and authoritys to me Given by his Majestys Letters Patents under the Great Seal of Great Brittain further to Adjourn the said Generall Assembly untill *Thursday* the *Twenty Seventh* of this Instant and I doe hereby accordingly Adjourn the said Generall

Assembly untill *Thursday* the *Twenty Seventh* of this Instant of which all his Majestys Subjects are to take Notice and Govern themselves accordingly.

Given under my hand and Seal at ffort George in *New York* the *Twenty fifth* day of *September* in the ninth year of his Majestys Reign Annoq Dni 1722.

W. BURNET.

By his Excellencys Cómand
Is. Bobin *D. Sēcry*

God save the KING.

[N. Y. Col. MSS, LXIV., 138.]

By his Excellency

WILLIAM BURNET Esqr Captain General and Governour in Chief of the Provinces of New-
(L. S.) York, New Jersey and Territories thereon Depending in *America* and Vice Admiral of the same &c.

A PROCLAMATION

WHEREAS the General Assembly of this Province stands adjourned to this Day I have thought fit for his Majestys Service and by virtue of the Powers and Authoritys to Me given by his Majestys Letters Patents under the Great Seal of Great Britain further to adjourn the said General Assembly untill *Monday* The *first* Day of *October* next, and I do hereby accordingly adjourn the said General Assembly untill *Monday* the *first* Day of *October* next of which all his Majestys Subjects are to take Notice and Govern themselves accordingly.

Given under my hand and Seal at Fort George in *New York* this *twenty Eighth* Day of *September* in the Nineth year of his Majestys Reign Annoq Domini 1722.

W. BURNET

By His Excellency's Command
Is Bobin *D Sēcry*

God save the KING.

SEVENTEENTH ASSEMBLY ELEVENTH SESSION.

At a Council held at Fort George in New York, October 3^d, 1722.

Present— *His Excellency* William Burnet, Esqr, &c.^a,

Capt Walter,
Coll. Beekman,
Mr Barberie,
Mr Harison,
Doctor Colden,
Mr Alexander,
Mr Morris, Junr.

Lewis Morris Junr Esqr Chairman of the Committee to whom was Committed the Bill Entituled, An Act appointing Commissioners to Let to Farm the Excise of Strong Liquors in the Citys and Countys in this Colony, acquainted this Board that the Committee had considered of the same and was ready to make their Report when this Board would please to Receive the same

Ordered, that the said Report be made immediately

Then the Said Mr Morris Junr in his place Reported that the Said Committee had gone through the Said Bill and Agreed to the Same with the following Amendments Vizt

Page the 1st Line ye 19th between the Word [for] and the word [next] in lieu of the words [four years] insert the Words [one year]

Page the 2d Line ye 2d after the word [twenty] and before the word [two] leave out the word [Six] and insert the word [Three]

Page ye 2d Line ye 6th after the word [Suffolk] leave out the words [Epeneitus Platt Esqr] and insert the words [Selah Strong Gent]

Page ye 2d Line ye 8th after the word [County] Leave out the words [Collonell Richard Stillwell] and jnsert the words [Major Jacobus Beekman]

Page the 2d Line the 13th leave out the words [Mr John Allsup] and insert the words [Captain Christopher Denn

Ordered, that the Said Bill with the Amendments be Read the third time.

Then the Said Bill was Read the third time with the Amendments

Ordered, that the Said Bill do pass as amended.

Ordered, that Mr Morris Junr do Acquaint the House of Representatives that this Board has past the Said Bill with Some Amendments and that he Carry the Said Bill to the House of Representatives with the Amendments made thereto and desire their Concurrence to the Same

At a Council held at Fort George in New York, Octobr ye 10th, 1722.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca,

Coll. BEEKMAN,
Mr VAN DAM,
Mr BARBERIE,
Mr HARISON,
Doctor COLDEN,
Mr ALEXANDER,
Mr MORRIS, Junr.

A Message from the House of Representatives by Mr Lackerman Acquainting this Board that the House of Representatives had Agreed to the Amendments made by this Board to the Bill Entituled, An Act appointing Commissioners to Let to Farm the Excise of Strong Liquors in the Citys and Countys in this Colony.

At a Council held at Fort-George in Newyork, Octobr ye 17th, 1722.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c.,

Coll BEEKMAN,
Mr BARBERIE,
Mr HARISON,
Doctor COLDEN,
Mr ALEXANDER,
Mr MORRIS, Junr.

Mr Morris Junr Chairman of the Committee to whom was Committed the Bill Entituled, An Act for paying Gerrit Van horn, Jacobus Kip, David Provoost, and Johannes Jansen Esqrs for Serving in General Assembly Acquainted this Board that the Committee had Considered of the Same, and was ready to make their Report when this Board would please to receive the Same.

Ordered, that the said Report be made immediately.

Then the said Mr Morris Junr in his place reported that the said Committee had gone through the said Bill and agreed to the same with the following Amendment. vizt

Page the 1st Line ye 6th after the word [York] leave out the words [for which they] and insert the word [And] and after the word [Reward] in the same Line insert the words [for a considerable part of the time in which they have served] Page ye 1st Line the 9th after the word [In] leave out to the End of the Line and in lieu thereof insert the word [January] Page ye 1st Line ye 15th after the word [service] and before the word [And] insert these words [Provided the Days wages of the said members do not Exceed the sum of two hundred and Eighty seven pounds Eight Shillings]

Page ye 2d Line ye 6th after the word [first] leave out to the End of the Line and in lieu thereof insert the words [Tuesday in March]

Ordered, that the said Bill with the Amendments be Read the third time.

Then the said Bill was Read the third time with the Amendments

Ordered, that the said Bill do pass as amended.

Ordered, that Mr Morris Junr do acquaint the House of Representatives that this Board has past the said Bill with some Amendments and that he carry the said Bill to the House of Representatives with the Amendments made thereto and desire their concurrence to the same.

Mr Morris Junr Chairman of the Committee to whom was Committed the Bill Entituled, An Act for the Payment of the Representatives of the City and County of Albany acquainted this Board that the Committee had considered of the same and was ready to make their Report when this Board would please to receive the same.

Ordered, that the said Report be made immediately.

Then the said Mr Morris Junr in his place reported that the said Committee had gone through the said Bill and agreed to the same without Amendments

Ordered, that the said Bill be Read the third time.

Then the said Bill was Read the third time and past without Amendments.

Ordered, that Mr Morris Junr do acquaint the House of Representatives that this Board has past the said Bill without any Amendments.

A Message from the Assembly by Coll Rutsen with the Bill Entituled, An Act for raising the sum of five hundred pounds to Encourage and Promote a Trade with the remote Nations of Indians and for securing the five Nations in his Majestys Interest, as also the sum of three hundred Twenty pounds three shillings and two pence farthing advanced by the several persons therein named for repairing the fortifications on the frontier and desiring the concurrence of this Board thereto.

Ordered, that the said Bill be Read the first time

Then the said Bill was Read the first time.

Ordered, that the said Bill be Read the second time.

Then the said Bill was Read the second time and Committed to the Gent. of this Board or any five of them who are hereby Impowered to send for Persons and Papers.

Mr Morris Junr Administrator of Augustine Graham Esqr deceased moved this Board for Liberty to bring in a Bill, for the Selling and disposing of some Lands, for paying the said Graham's Debts.

Ordered, that the said Mr Morris do bring in a Bill accordingly.

Ordered, that Mr Bobin the Deputy Clerk of the Council do acquaint the House of Representatives that Mr Morris Junr is appointed by this Board to Examine and Compare the Acts of this Province past the first and second Sessions of the Assembly since his Excellencys arrival with the Enrollment thereof and to desire that House to appoint some of their members to assist therein.

At a Council held at Fort George in New-York, Octobr ye 18th, 1722.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca.,

Coll. BEEKMAN,
Mr BARBERIE,
Doctor COLDEN,
Mr ALEXANDER,
Mr MORRIS, Junr.

A Message from the House by Mr Hendrick Hansen with the Bill Entituled, An Act to Enable Trustees therein named to take sell and dispose of certain Lots of Land the Estate of Gilbert Livingston in the City of New York, for the payment of a certain Bond given and debt due to his Majesty on the said Gilbert Livingston his Contract for the farming the Excise of this province, and desiring the concurrence of this Board thereto.

Ordered, that the said Bill be Read the first time.

Then the said Bill was Read the first time and

Ordered, a second reading

At a Council held at Fort George in New York, Octobr 18th, 1723. (Sic.)

Post Meridiem.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca.,

Coll. BEEKMAN,
Mr BARBERIE,
Mr HARISON,
Doctor COLDEN,
Mr ALEXANDER,
Mr MORRIS, Junr.

Mr Harison Chairman of the Committee to whom was Committed the Bill Entituled, An Act for the raising the sum of five hundred Pounds to Encourage and promote a Trade with the remote Nations of Indians and for securing the five Nations in his Majestys Interest as also the sum of Three hundred twenty pounds three shillings and two pence farthing advanced by the

several Persons therein named for repairing the Fortifications on the Frontiers, acquainted this Board that the Committee had considered of the same and was ready to make their Report when this Board would please to receive the same

Ordered, that the Said Report be made immediately

Then Mr Harison in his place Reported that the Said Committee had gone through the Said Bill without Any Amendments.

Ordered, that the Said Bill be Read the third time

Then the Said Bill was Read the third time and past without Amendments.

Ordered, that Mr Harison do Acquaint the House of Representatives that this Board has past the Said Bill without any Amendments.

Mr Barberie Chairman of the Committee to whom was Committed the Bill Entituled, An Act for the better Setling and Ascertaining the South bounds and Limits of the County of Albany on the West Side of Hudsons River, And the North bounds of the County of Ulster on the West Side of Hudsons River Acquainted this Board that the Committee had Considered of the Same and was ready to make their Report when this Board would please to receive the Same.

Ordered, that the Said Report be made jmmediately.

Then Mr Barberie in his place Reported that the Said Committee had gone through the Said Bill and made the following Amendments thereto Vizt

Page The 2d Line the 1st after the word [The] and before the word [Line] of the Same Page leave out the words [South Side of Wanton's Island and thence on a due West North West] and in lieu thereof insert these words [The Mouth of Sawyers Creek and thence on a West]

The Same Page Line ye 4th after the Word [The] and before the word [Line] leave out the words [The South Side of Wanton's Island and then a due West North West] and in lieu thereof insert these words [The Mouth of Sawyers Creek and thence on a West]

Ordered, the Said Bill with the Amendments be Read the third time

Then the Said Bill with the Amendments was Read the third time

Ordered, that the Said Bill do pass As Amended.

Ordered, that Mr Barberie do acquaint the House of Representatives that this Board has past the Said Bill with Some Amendments, And that he Carry the Said Bill to the House of Representatives with the Amendments made thereto and desire their Concurrence to the Same.

Mr Morris Junr According to Order brought in a Bill Entituled, An Act to Enable Lewis Morris Junr Administrator to Augustine Graham late of the City of New York to dispose of part of the Lands and Tenements formerly belonging to the Said Augustine Graham for payment of his Debts and Educating his Children.

Which Bill was received.

Ordered, that the Said Bill be Read the first time.

Then the Said Bill was Read the first time and

Ordered a Second Reading.

At a Council held at Fort George in New York, Octobr ye 23d, 1722.

PRESENT— *His Excellency* WILLIAM BURNET, Esqr, &ca,

Mr VAN DAM,
Mr HARISON,
Doctor COLDEN,
Mr ALEXANDER,
Mr MORRIS Junr.

A Message from the House of Representatives by Alderman Kip Acquainting this Board that that House do Agree to the Amendments made by this Board to the Bill Entituled, An Act for paying Garret Vanhorn, Jacobus Kip, David Provoost and Johannes Jansen Esqrs for Serving in General Assembly

The Bill Entituled, An Act to Enable Trustees therein named to Sell and dispose of Certain Lots of Land the Estate of Gilbert Livingston in the City of New York, for the payment of a certain Bond Given and debt Due to his Majesty on the Said Gilbert Livingston His Contract for the Farming the Excise was Read the Second time and Committed to the Gentlemen of this Board or any five of them.

The Bill Entituled, An Act to Enable Lewis Morris Junr Esqr Administrator of Augustine Graham late of the City of New York to dispose of part of the Lands and Tenements formerly belonging to the Said Augustine Graham for payment of his Debts and Educating his Children Was Read the Second time and Committed to the Gentlemen of this Board or any five of them.

A Message from the House of Representatives by Coll. William Willet with the Bill Entituled, An Act for raising the quantity of Three Thousand ounces of Plate for the Effectual sinking and Canceling Bills of Credit to that value and desiring the Concurrence of this Board thereto.

Ordered, that the said Bill be Read the first time.

Then the said Bill was Read the first time and

Ordered a second Reading.

A Message from the House of Representatives by Coll. Stillwell with the Bill Entituled, An Act for the better Enabling Job Dusochany Eldest son and heir of Mark Dusochany late of the County of Richmond yeoman deceased and other the children of the said Mark Dusochany to Sell sundry peices and parcells of Land given and Devised to them respectively in and by the Last Will and Testament of their said Testator in order to pay off and Discharge the Incumbrances thereupon and other the Debts of their said Testator yet remaining unsatisfyed, and desiring the Concurrence of this Board thereto.

Ordered, that the said Bill be Read the first time

Then the said Bill was Read the first time and

Ordered a second Reading

Vpon Reading the Petition of Arien Gerritsen in behalf of himself and other the Trustees of the Town of Hurly seting forth that some time ago a Bill was past in the Assembly for Explaining An Act of the General Assembly concerning the Division Line betwixt The Towns of Hurly and Marbletown and that the same was ordered by this Board to Lye on the Table and praying this Board to proceed upon the said Bill.

Ordered, that the said Bill be Committed to the Gentlemen of this Board or any five of them, and that all partys have notice perimptorily to attend the said Committee, and to be heard to the merits of the said Bill, The second Tuesday after the next time the Assembly shall meet and set to do business.

At a Council held at Fort George in New York, Octob^r ye 24th, 1722.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr,

Capt WALTER,	Doctor COLDEN,
Coll. BEEKMAN,	Mr ALEXANDER,
Mr BARBERIE,	Mr MORRIS Junr.
Mr HARISON,	

Doctor Colden Chairman of the Committee to whom was Committed, The Bill Entituled, An Act to Enable Trustees therein named to take sell and dispose of certain Lots of Land the Estate of Gilbert Livingston in the City of New York for the payment of certain Bond given and Debt due to his Majesty on the said Gilbert Livingston his Contract for the farming the Excise, Acquainted this Board that the Committee had considered of the same and was ready to make their Report when this Board would please to receive the same.

Ordered, that the said Report be made immediatly.

Then Doctor Colden in his place Reported that the said Committee had gone through the said Bill without any amendments.

Ordered, that the said Bill be Read the third time.

Then the said Bill was Read the Third time, and past without amendments.

Ordered, that Doctor Colden do acquaint the House of Representatives that the Council have passed the said Bill without any amendments.

The Bill Entituled, An Act for the better Enabling Job Dusochany Eldest son and heir of Mark Dusochany late of the County of Richmond yeoman deceased and other the children of the said Mark Dusochany to sell sundry pieces and parcells of Land Devised to them respectively in and by the last Will and Testament of their said Testator, in order to pay off and discharge the Incumbrances thereupon and other the Debts of their said Testator yet remaining unsatisfyed, Was Read the Second time and Committed to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act for raising the quantity of three thousand ounces of Plate for the Effectual sinking and Canceling Bills of Credit to that value, Was Read The Second time and Committed to the Gentlemen of this Board or any five of them.

A Message from the House of Representatives by Captain Van Horn with the Bill Entituled, An Act for the relief of such Persons as have bona fide shipt off cocoa within time, If oath is made thereof and to Debarr such as shall neglect The same within the respective times therein mentioned, and desiring the concurrence of this Board thereto.

Ordered, that the said Bill be Read the first time.

Then the said Bill was Read the first and

Ordered a Second Reading

Then the said Bill was Read the Second time, and Committed to the Gentlemen of this Board or any five of them

At a Council held at Fort-George in New-York, Octob^r ye 25th, 1722.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c^a,

Capt WALTER,
Coll. BEEKMAN,
Mr BARBERIE,
Mr HARISON,
Doctor COLDEN,
Mr ALEXANDER,
Mr MORRIS, Junr.

Mr Alexander Chairman of the Committee to whom was Committed the Bill Entituled, An Act for the raising, The quantity of three thousand ounces of Plate for the Effectual Sinking and Canceling Bills of Credit to that value, acquainted this Board that the Committee had considered of the same and was ready to make their Report when this Board would please to receive the same.

Ordered, that the said Report be made jmmediately.

Then Mr Alexander in his place Reported that the said Committee had gone through the said Bill without any amendments

Ordered, that the said Bill be Read the third time.

Then the said Bill was Read the third time, and past without Amendment.

Ordered, that Mr Alexander do Acquaint the House of Representatives that this Board has past the said Bill without any Amendments.

Mr Barberie Chairman of the Committee to whom was Committed the Bill Entituled, An Act for the relief of such Persons as have Bona fide shipt of Cocoa within time, If Oath is made thereof; and to Debarr such as shall neglect, the same within the respective times therein mentioned, acquainted this Board that the Committee had considered of the same, and was ready to make their Report when this Board would please to receive the same

Ordered, that the said Report be made Immediately.

Then Mr Barberie in his place Reported that the said Committee had gone through the said Bill without any amendments.

And the question being put

Whether the said Bill be Read the third time?

It was carryed in the negative.

The question being further put

Whether the said Bill be Rejected?

It was carryed in the affirmative.

Ordered, that the said Bill be Rejected accordingly.

Doctor Colden Chairman of the Committee to whom was Committed the Bill Entituled, An Act to Enable Lewis Morris Junr Administrator to Augustine Graham of the City and County of Newyork to dispose of part of the Lands and Tenements formerly belonging to the said Augustine Graham for payment of his Debts and Educating his Children acquainted this Board that the Committee had considered of the same and was ready to make their Report when this Board would please to receive the same.

Ordered, that the said Report be made Jmmediately

Then Doctor Colden in his place Reported that the said Committee had gone through the said Bill and made some Amendments thereto, which were Read and agreed to by this Board.

Ordered, that the said Bill with the Amendments be Engrossed.

Then the said Bill being Engrossed as amended was Read the third time and past.

Ordered, that Doctor Colden do Carry the said Bill to the Assembly and desire their concurrence to the same.

A Message from the House of Representatives by Captain Jansen with the Bill Entituled, An Act of General Assembly of this Colony Entituled, An Act for Regulating the Ferry between the City of New York and the Island of Nassaw and for making the Passage and Transportation over the said Ferry more certain easie and usefull and desiring the concurrence of this Board thereto.

Ordered, that the said Bill be Read the first time.

Then the said Bill was Read the first time, and

Ordered, a second Reading.

Then the said Bill was Read the Second time, and Committed to the Gentlemen of the Council or any five of them.

At a Council held at Fort-George, in Newyork, Octob^r ye 26th, 1722.

Post Meridiem

PRESENT — *His Excellency* WILLIAM BURNET, Esqr &c^a.,

Capt WALTER,
Coll. BEEKMAN,
Mr HARISON,
Doctor COLDEN,
Mr ALEXANDER,
Mr MORRIS, Junr.

Mr Harison for Mr Barberie Chairman of the Committee to whom was Committed The Bill Entituled, An Act of General Assembly of this Colony Entituled, An Act for regulating the Ferry between the City of New York and the Island Nassaw and for making the Transportation over the said Ferry more certain easy and usefull, Acquainted this Board that the Committee had considered of the same and was ready to make their Report when this Board would please to receive the same.

Ordered, that the said Report be made Immediately.

Then Mr Harison for Mr Barberie in his place Reported that the said Cōmittee had gone through the said Bill with some Amendments

Ordered, that the said Bill with the Amendments be Read the third time.

Then the said Bill with the Amendments was Read the third time.

Ordered, the said Bill do pass as amended.

Ordered, that Mr Harison do acquaint the House of Representatives that this Board has past the said Bill with some Amendments, and that he carry the said Bill to the House of Representatives with the Amendments made thereto, and desire their concurrence to the same.

A Message from the House of Representatives by Mr Phillipse with the Bill Entituled, An Act to Encrease the number of supervisors in the County of West Chester, and that no Wages of Supervisors shall be any part of the said Countys Rate for the future and desiring the concurrence of this Board thereto.

Ordered, that the said Bill be Read The first time.

Then the said Bill was Read the first time and

Ordered, a Second Reading.

At a Council held at Fort-George in New York, October ye 27th, 1722.

Post Meridiem

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c^a.,

Capt WALTER,
Mr BARBERIE,
Mr HARISON,
Doctor COLDEN,
Mr ALEXANDER.

A Message from the House of Representatives by Mr Cuyler with the Bill Entituled, An Act for Paying Ebenezer Wilson, John Van Horn, Abraham Governeur and Sarah the Widow and Relict of Johannes Hardinbrock deceased for serving in General Assembly, and desiring the concurrence of this Board thereto.

Ordered, that the said Bill be Read the first time

Then the said Bill was Read the first time and

Ordered a second Reading

Then the said Bill was Read the second time and Committed to the Gent. of this Board or any five of them.

The Bill Entituled, An Act to Encrease the number of Supervisors in the County of West Chester, and that no Wages of Supervisors shall be any part of the said Countys Rate for the Future, Was Read the second time and Committed to the Gentlemen of this Board or any five of them

Coll. Beekman Chairman of the Comittee to whom was Committed the Bill Entituled, An Act for the better Enabling Job Dusochany Eldest son and heir of Mark Dusochany late of the County of Richmond yeoman deceased, and other the Children of the said Dusochany to sell sundry peices and parcells of Land given and Devised to them respectively in and by the Last Will and Testament of their said Testator in order to pay off and discharge the Incumbrances thereupon and other the Debts of their said Testator yet remaining unsatisfyed, Acquainted this Board that the Committee had considered of the same and was ready to make their Report when this Board would please to receive the same.

Ordered, that the said Report be made Immediately.

Then Coll Beekman in his place Reported that the said Committee had gone through the said Bill without any Amendments.

Ordered, that the said Bill be Read the third time

Then the said Bill was Read the third time and past without any Amendments.

Ordered, that Coll Beekman do acquaint the House of Represent. that this Board has past the said Bill without any Amendments.

At a Council held at Fort George in New York, October ye 31st, 1722.

PRESENT— *His Excellency* Wm BURNET, Esqr, &c^a.,

Capt WALTER,	Doctor COLDEN,
Coll. BEEKMAN,	Mr ALEXANDER,
Mr HARISON,	Mr MORRIS, Junr.

Mr Morris Junr Chairman of the Committee to whom was Committed the Bill Entituled, An Act to Encrease the number of Supervisors in the County of West Chester that no Wages of Supervisors shall be any part of the said Countys Rate for the future, Acquainted this Board that the Comittee had considered of the same and was ready to make their Report when this Board would please to Receive the same.

Ordered, the Said Report be made immediately.

Then Mr Morris in his place Reported that the Said Committee had gone through the Said Bill without Any Amendments.

Ordered, that the Said Bill be Read the third time.

Then the Said Bill was read the third time and past without Any Amendments.

Mr Morris Junr Chairman of the Committee to whom was Committed, the Bill Entituled, An Act for paying Ebenezer Wilson, Jno Van Horn, Abraham Governeur and Sarah the Widow and relict of Johannes Hardenbrock deceased for Serving in General Assembly, Acquainted this Board that the Committee had Considered of the Same and was ready to make their Report when this Board would please to receive the Same.

Then Mr Morris in his place Reported that the Said Committee had gone through the Said Bill with Some Amendments

Then the Said Amendments being Read were disagreed to by this Board.

Ordered, that the Said Bill be Read the third time without Any Amendments.

Ordered, that Mr Morris Junr do Acquaint the House of Representatives that this Board has past the two forgoing Bills without Any Amendments. and at the Same time to desire to know from that House what they have done as to the Amendments made by this Board to the Bill Entituled, An Act for regulating the Ferry between the City of New York and the Island Nassaw and for making the Passage and Transportation over the Said Ferry more certain easy and usefull, Sent down to them by this Board for their Concurrence

Ordered, that the Attorney General do prepare a Bill for Recording of Deeds within this Province in order to lay the Same before this Board for passing Against the next Sessions of the Assembly and that when he has made a Draft of Such Bill he do lay it before the Committee of this Board which Shall be appointed upon other affairs for their advice therein

At a Council held at Fort George in New-York, Novr ye 1st, 1722.

Post Meridiem

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c^a,

Capt WALTER,	Mr HARISON,
Coll BEEKMAN,	Doctor COLDEN,
M^r VAN DAM,	Mr ALEXANDER,
Mr BARBERIE,	Mr MORRIS, Junr.

Mr Morris Junr in his place Reported that pursuant to An Order of this Board of the 17th Instant, he together with Coll Provoost had Carfully Examined and Compar'd the Enrollment of Acts passed the first and Second Sessions of the Assembly Since his Excellencys Arrival here with the Originals and what mistakes the Clerk had made in Transcribing the Same they had Amended.

Ordered, that the Deputy Clerk of the Council do Acquaint the House of Represent. that his Excellency requires the immediate Attendance of that House at the Council Chamber.

The Assembly Accordingly attending with their Speaker, his Excellency gave his Assent to the following Acts Viz[t]

1 An Act appointing Commissioners to Let to Farm the Excise of Strong Liquors in the Citys and Countys in this Colony

2 An Act for raising the Sūm of five hundred pounds to Encourage and promote a Trade with the Remote Nations of Indians and for Securing the five Nations in his Majestys Interest as also the Sum of three hundred twenty pounds three Shillings and two pence farthing advanced by the Several Persons therein named for repairing the Fortifications on the Frontiers

3 An Act for paying Gerrit Van Horn, Jacobus Kip, David Provoost, and Johannes Jansen Esq[rs] for serving in General Assembly

4 An Act for the payment of the Representatives of the City and County of Albany

5 An Act to Enable Trustees therein named to take sell and dispose of certain Lots of Land the Estate of Gilbert Livingston in the City of New-York for the payment of a certain Bond given and Debt due to his Majesty on the said Gilbert Livingston his Contract for the Farming the Excise of this Province.

6 An Act for raising the quantity of three thousand ounces of Plate for the Effectual sinking and canceling Bills of Credit to that value.

7 An Act for the better Enabling Job Dusochany Eldest son and heir of Mark Dusochany late of the County of Richmond yeoman deceased and other the children of the said Mark Dusochany to sell Sundry peices and parcells of Land given and devised to them respectively in and by the Last Will and Testament of their said Testator in order to pay off and discharge the Incumbrances thereupon and other the Debts of their said Testator yet remaining unsatisfyed.

8 An Act to Encrease the number of Supervisors in the County of West Chester and that no Wages of Supervisors shall be any part of the said Countys Rate for the Future.

9 An Act for paying Ebenezer Wilson, John Van Horn, Abraham Gouverneur and Sarah the widdow and relict of Johannes Hardinbrock deceased.

Then his Excellency desired them to adjourn themselves untill the first Tuesday of May next.

SEVENTEENTH ASSEMBLY TWELFTH SESSION.

At a Council held at Fort George in New-York, May 14th, 1723.

PRESENT— *His Excellency* W[m] BURNET, Esq[r],

Cap[t] WALTER,	M[r] BARBERIE,
Coll. BEEKMAN,	M[r] HARISON,
M[r] VAN DAM,	Doctor COLDEN.

Ordered, that the Deputy Clerk of the Council do acquaint the House of Representatives that his Excellency requires their immediate attendance at the Council Chamber.

The Assembly accordingly attending with their Speaker his Excellency made to them the following Speech in *Hæc Verba*.

Gentlemen,

The unanimity and mutual confidence that have appeared in our former meetings and the General Tranquility that is observable through the whole Province leave me little room to apprehend mischiefs ariseing from Differences among ourselves.

But when wicked men in Defience of the most sacred obligations are Continually Conspiring The Ruin of that Glorious Nation to which We belong We cannot but feal the Highest concern while our common fate is in suspence and receive the news of Deliverance with all Imiginable Joy.

The Dangers which have hitherto Threatned us have all taken this happy Turn, and We are now certainly Informed that the late Traiterous Schems which have been laid against his most

Excellent Majesty and his happy Kingdoms have been rejected and disappointed by Forreign Princes; discovered and prevented by the administration at home and have now brought the conspirators to Justice and Parliamentary resentment.

Could we have believed that under the best of Kings supported by a hearty Parliament, and respected by all the Powers of Europe a Discontented party alone would thus attempt to overturn the constitution, but since men shew themselves so Desperate in the profoundest state of Peace, safety and prosperity can never Justify a Remissness in providing against Publick dangers. What is true of Great Nations is not less applicable to Provinces that Depend on them.

You are very sensible at how great a yearly expense the Governm^t at home Provides for your security both by Land and Sea and if this does not Encourage you to make good your own part in putting your harbour and your Frontier in an Effectual Posture of Defence and in Providing sufficient stores and Magazines under a Proper Regulation, how will you answer it to yourselves if at any time you should come to be Destroyed by surprize.

I have some reason to hope that it cannot be an apprehension that the sums raised for that purpose may be misapplyed that will divert you from thinking of it without delay.

What you have given towards Encouraging a Trade with the far Nations of Indians has been frugally Imployed and seems to have had a very happy Effect, If this Encouragm^t Is continued and the pernicious Trade to Canada can be Effectually prevented the beginnings, that are already made to bring that Trade into a Right Channel, can scarce fail of coming to Perfection.

I need only remind you of the Deficiency that there is in the Revenue; the Chief Causes of it you were fully Informed of at your last meeting and I depend on it, that your Justice and humanity to the Inferiour Officers will Induce you to provide for it in so ample a manner that the Treasury may be put in advance sufficiently to pay Warrants when they become due which I am informed has been the practice formerly.

I shall be very glad to Joyn with you in any Laws that can be thought of for the Publick benefit, for as I cannot bear the thoughts of any thing against your Interest so I shall not be easy if I omit anything that lyes in my Power to promote it.

W. Burnet

14th May 1723.

At a Council held at Fort George in New York, May 17th, 1723.

Present — *His Excellency* Wm Burnet, Esqr, &c^a,

Capt Walter,
Coll Beekman,
Mr Van Dam,
Mr Barberie,
Mr Harison,
Doctor Colden,
Mr Morris Junr.

His Excellency communicated to this Board, The Address of the General Assembly of this Province.

Ordered, that Capt Walter Mr Harison and Doctor Colden be a select Committee to Join a Committee to be appointed by the House of Representatives to prepare the Draft of An Address to be presented to his Majesty from the Governour, Council and Assembly of this Province, and in order thereto the said Committee will meet to morrow at the hour of three in the Afternoon at the House of Mr Bonticow in this City.

The Petition of Adrian Gerritsen in behalf of himself and others the Patentees of the Town of Hurly praying to be heard to the merits of a Bill relating to the Towns of Hurly and Marbletown and that the proceedings upon it may not be delayed by the neglect of the Trustees of Marbletown not attending as they were ordered by this Board, Being Read is Referred to the gentlemen of this Board or any five of them to whom the said Bill is Committed.

At a Council held at Fort George in New-York, May ye 23^d, 1723.

Post Meridiem.

Present — *His Excellency* Wm Burnet, Esqr,

Capt Walter,
Coll. Beekman,
Mr Van Dam,
Mr Clarke,
Mr Harison,
Doct^r Colden.

Capt Walter Chairman of the Committee appointed by this Board to Join a Committee of the House of Representatives to prepare the Draft of An Address to be presented to his Majesty

from the Governour, Council and Assembly of this Province, Reported from the said Committee that they had prepared the same, and accordingly laid the same before this Board, which being Read was approved off and

Ordered to be Engrossed.

A Message from the Assembly by Coll. Provoost and Colonell Chambers acquainting his Excellency that that House do approve of the Draft of An Address to his Majesty prepared by a Committee of the Council and a Committee of their House, and that when two fair Copys thereof are Engrossed and signed by his Excellency and the Gentlemen of this Board the Speaker and every Gentleman of that House will likewise sign the same.

The Draft of a Bill for Recording of all Deeds, Conveyances, Wills and other Incumbrances that after the day of one thousand seven hundred and twenty shall be made of or affect any Mannors, Lands, Tenements, or heriditaments within the Province of New-York, Was Read the first time and

Ordered, a second Reading on Thursday next

The Bill Entituled, An Act to Determine and take off the reward allowed by former Acts for Killing and Destroying Wild Catts and Foxes, Was Read, the first time and

Ordered, a second Reading

Vpon Reading the Deposition of Adrian Geritse of the County of Ulster Esqr Seting forth that on the 12th day of December last he served Harmanus Crom one of the Trustees of the Town of Marbletown in the County aforesaid with an order of this Board, ordering the Trustees of Marbletown to appear before this Board on a Bill Depending between the said Towns on the first Tuesday after the meeting of the General Assembly of this Province, which then stood adjourned till the first Tuesday in this Instant, and that the said Crom thereupon Replyed, he would appear accordingly.

And whereas the said Crom nor any of the Trustees of Marbletown have attended pursuant to the said order

Ordered, that Mr Bickley who was Council for the Trustees of Marbletown the last time the Committee met upon said Bill, have notice that a Committee of this Board will meet at the Council Chamber on Thursday next at three in the afternoon in order to proceed upon the said Bill.

Ordered, that the Clerk of the Council do acquaint the said Mr Bickley of the same, and whom else it may concern

At a Council held at Fort George in New York, May ye 25th, 1723.

Post Meridiem.

PRESENT — *His Excellency* Wm BURNET, Esqr, &c^a.,

Capt WALTER,	Mr CLARKE,
Coll BEEKMAN,	Mr HARISON,
M^r. VAN DAM,	Doctor COLDEN.

The Bill Entituled, An Act to take off the reward allowed by former Acts for Killing and Destroying Wild Catts and Foxes Was Read the Second time and Committed to the Gentlemen of the Council or any five of them

At a Council held at Fort George in New-York, May 30th, 1723.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c^a,

Capt WALTER,	Mr HARISON,
Coll. BEEKMAN,	Doctor COLDEN,
M^r VAN DAM,	Mr ALEXANDER,
Mr BARBERIE,	Mr MORRIS, Junr.

The Bill Entituled, An Act for the Publick Recording of all Deeds, Conveyances Wills and Incumbrances that after the day of One thousand Seven hundred and twenty shall be made of or affect any Manors, Lands, Tenements and Hereditaments within the Province of New-York, Was Read the Second time and Committed to the Gentlemen of the Council or any five of them.

Vpon Motion of Mr Alexander

Ordered, that the hearing appointed this Day before a Committee of this Board Concerning the merits of a Bill depending between the Trustees of Hurly and Marbletown be referred

untill Friday the 7th of June next Then to meet at the Council Chamber at four in the Afternoon

Ordered, that the Deputy Clerk of the Council do Serve all partys whom the Same may Concern with Notice hereof.

By his Excellency

WILLAM BURNET Esqr Captain General and Governour in Chief of the Provinces of
(L. S.) Newyork, New Jersey and Territories thereon Depending in *America* and Vice Admiral of the Same &c.

A PROCLAMATION

WHEREAS the General Assembly of the Province of Newyork Stands Adjourned to this Day, I have therefore thought fit for his Majestys service, and by virtue of the Powers and Authoritys to me given by his Majestys Letters Patents under the Great Seal of *Great Britain* further to Adjourn the Said General Assembly untill to morrow the *Sixth* of *this Instant*, And I do hereby Accordingly adjourn the said General Assembly untill to morrow the *Sixth* of *this Instant* of which all his Majestys Subjects are to take Notice and Govern themselves Accordingly

Given Under my hand and seal at Arms at Fort George in *Newyork* the *fifth* day of *June* in the nineth year of his Majestys Reign Annoq Dom. 1723.

W. BURNET

By his Excys Command
Is. Bobin *D. Secry*

[N. Y. Col. MSS., LXV., 92.]

God save the KING.

At a Council held at Fort George in New York, June the 6th, 1723.

Present — *His Excellency* William Burnet, Esqr, &ca,

Coll Beekman,
Mr Van Dam,
Mr Barberie,
Mr Harrison,
Doctor Colden,
Mr Alexander,
Mr Morris, Junr.

A Message from the Assembly by Captain Van Horn with the Bill Entituled, An Act for Reviving An Act Entituled, An Act for Encouraging Navigation and desiring the Concurrence of this Board thereto.

Ordered, that the Said Bill be read the first Time

Then the Said Bill was Read the first Time and

Ordered a Second Reading

At a Council held at Fort George in New York, June ye 13th, 1723.

Present — *His Excellency* William Burnet, Esqr, &ca,

Captain Walter,
Coll. Beekman,
Mr Barberie,
Mr Harison,
Doctor Colden,
Mr Morris, Junr.

The Bill Entituled, An Act for Reviving An Act Entituled, An Act for Encouraging Navigation was Read the second time and Committed to the Gentlemen of this Board or any five of them

The Petition of Marthias D'heart and William Kerton Pilots of New York was Read praying a certain Encouragement for their Labour in the said office

The said Petition was Referred to the Committee to whom the aforesaid Bill was Committed.

Ordered, that the said Committee prepare a clause to be Added to the said Bill according to the Tenour of the said Petition.

Ordered, also that the said Committee prepare a clause in the said Bill whereby the soldiers of the four Independent Companys shall have Creditts given them for no more than sailors are to have by the said Bill under the like Penaltys.

His Excellency Communicated to this Board a Letter from Governour Saltonstall Together with An Act of Assembly of Connecticut Dated the Twenty Ninth of May One Thousand seven hundred and Twenty three for Runing and Ascertaining the Division Line Between this Province and that of Connecticutt. His Excellency Likewise communicated minutes of the Commissioners of Indian Affairs at Albany of the Twenty ninth of April Last concerning the far Nations of Indians who are come to Trade at Albany to the number of Eighty Persons besides Women and Children.

Ordered, that the Deputy Clerk of the Council do lay the same before the House of Representatives.

Ordered, likewise that he do at the same time lay before the said House an account of the Warrants signed in Council this Day payable out of the Revenue of this Province.

An Act for Reviving An Act Entituled, An Act for Encouraging Navigation, was Read the Second Time and Committed to the Gentlemen of this Board or any five of them.

A Message from the Assembly by Captain Gerritsen with the Bill Entituled, An Act to Exempt the Sloop Success from the Duty of Tonnage and desiring the Concurrence of this Board thereto.

Ordered, that the said Bill be Read the first Time.

Then the said Bill was Read the first time and

Ordered, a second Reading

Then the said Bill was Read the second time and Committed to the Gentlemen of this Board or any five of them.

At a Council held at Fort George In New York, June the 14th, 1723.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca,

Capt WALTER,	Mr HARISON,
Coll BEEKMAN,	Doctor COLDEN,
Mr VAN DAM,	Mr MORRIS Junr.
Mr BARBERIE,	

The Petition of Capt Arent Schuyler, Capt Dugdale Campbell and Messrs Anthony Rutgers and Rodrigo Pacheco of this City Merchants seting forth their having bought in this City at Public Vendue the Sloop Raretan, Built in the Jerseys and the said Vessell by Lying in the Great Dock sometime was Grown so Rotten that they have been obliged Totally to Rebuild her and have Erected her into a Scooner Double the Tonnage she Consisted; therefore praying that the said Vessell may be Included in the Bill Entituled, An Act to Exempt the Sloop *Success* from the Duty of Tonnage, was Read.

Ordered, that the said Petition be Referred to the Consideration of the Gentlemen of the Council to whom the said Bill is committed.

The Petition of Elias Pelletreau Junr in behalf of himself and the Rest of the owners of the Sloop *Maryan* praying the said Sloop may be included in the said Bill, Was Read and

Ordered to Lye on the Table.

Doctor Cadwallader Colden Chairman of the Committee to whom was Committed the Bill Entituled, An Act to determine and take off the Reward allowed by former Acts for Killing and Destroying Wild Catts and Foxes acquainted this Board that the Committee had considered of the same and was Ready to make their Report when this Board would please to Receive the same.

Ordered, that the said Report be made Immediately

Then Doctor Colden in his place Reported that the said Committee had gone through the said Bill without any Amendments.

Ordered, that the said Bill be Read the third time

Then the said Bill was read the Third time and past without Amendments.

Ordered, that Doctor Colden do acquaint the House of Representatives that this Board has past the said Bill without any Amendments.

Ordered, that Mr Harison do prepare and bring in a Bill to prevent persons Trusting or Crediting the Souldiers belonging to his Majestys four Independent Companys in this province.

Post Meridiem

PRESENT as Before

Doctor Colden Chairman of the Committee to whom was Committed An Act for Reviving An Act entituled, An Act for Encouraging Navigation acquainted this Board that the Committee had Considered of the same and was Ready to make their Report when this Board would please to Receive the same.

Ordered, that the said Report be made Immediately.

Then Doctor Colden in his place Reported that the said Committee had gone through the said Bill with the following Amendments vizt. Add to the Title of the Bill these words [and to continue and further Explain An Act Entituled, An Act for Establishing Pilotage] and at the End of the Bill add these Words [and whereas the security of navigation does in great Measure depend upon the skill and Experience of knowing and able Pilots and as the scituation of this Port does Require that certain persons be appointed to Execute that office Be it therefore Enacted that Every Person who is now or hereafter shall be by his Excellency the Governour appointed for the Execution thereof shall and may by virtue of this Act lawfully Demand take and Receive for every vessell coming into this Port or Harbour all such sum or sums of Money as by their Warrant or Warrants Commission or Commissions they are allowed to take and are Entituled to by Virtue of An Act passed in the fourth year of his Majestys Reign Entituled, An Act for ye Establishing Pilotage which said Act having been found very beneficial to the Navigation of this province and now neer its Expiration. It is therefore Enacted by his Excellency the Governour Council and Assembly That the said Act be and Continue in force for the space of five years longer, and it is hereby further Enacted that the aforesaid sum or sums shall be Recovered by action of Debt in any of his Majestys Courts of Record or if under the value of forty shillings then before the Mayor or any Justice of the Peace of the City of New York And whereas the present Estab'ished Pilots have by their petition presented to his Excellency in Council set forth that severall vessells coming into this port and Harbour do Neglect or Refuse to make use of them the said pilots to the Great Damage of their Respective familys and Rendering their attendance on their Duty fruitless and Expensive Be it therefore Enacted by the Authority aforesaid that every ship or vessell owned in the whole or in part by the Inhabitants of this province coming into this Harbour whose Master shall Refuse or Neglect to take a pilot shall pay unto the pilot or pilots Established and in attendance the sum of six shilling and the Masters of all ships or vessells not wholly owned by the Inhabitants of this province or ye Majority of whose owners are not Inhabitants thereof coming into this port or Harbour and neglecting or Refusing to take a Pilot shall pay or cause to be paid unto the pilot or Pilots aforesaid the half of such Rates for Pilotage as is as aforesaid already Established to be Recovered as in Manner aforesaid This Act to continue and Remain in force for and during the aforesaid space of five years

Ordered, that the said Bill with the Amendments be Read the third time.

Then the said Bill was Read the Third time with the Amendments

Ordered, that the said Bill do pass as amended.

Ordered, that Doctor Colden do acquaint the House of Representatives that this Board has past the said Bill with some Amendments and that he carry the said Bill to the House of Representatives with the Amendments made thereto and desire their concurrence to the same.

Mr Morris Junr Chairman of the Committee to whom was Committed the Bill Entituled, An Act of the General Assembly of this Colony Entituled, An Act for Setling the Boundarys Between the Land Granted by Patent unto Cornelius Cool, Adrian Gerritse, Mathias Ten Eyck, Jacobus Du Boys, Johannis Schipmoes, Roelif Swartwout, Cornelius Lammerse, Peter Pieterse, Lawrence Osterhout, and Jannetie Newkirk, scituate Lying and being in the County of Ulster commonly called the Town of Hurley and the Land Granted by Patent unto Coll Henry Beekman, Captain Thomas Garton, and Captain Charles Broadhead, Trustees for and on the behalf of the Inhabitants of the Town of Marbletown in the County of Ulster aforesaid made in the fourth year of his Majestys Reign Acquainted this Board that the Committee had considered of the same, and was Ready to make their Report when this Board would please to Receive the same.

Ordered, that the said Report be made immediately,

Then Mr Morris in his place Reported that the said Committee had Gone through the said Bill without any Amendments.

The Question being put

Whether the said Bill be Read the third time?

it was carried in the affirmative.

Then the said Bill was Read the third time.

And the Question being further put

Whether the said Bill do pass?

It was carryed in the Negative.

Ordered, that the said Bill be Rejected.

Mr Van Dam Chairman of the Committee to whom was Committed the Bill Entituled, An Act to Exempt the Sloop *Success* from the Duty of Tonnage acquainted this Board that the Committee had considered of the same and was Ready to make their Report when this Board would please to Receive the same.

Then Mr Van Dam in his place Reported that the said Committee had gone through the said Bill without any Amendments.

The Question being put

Whether the said Bill be Read the third time?

It was carryed in the affirmative.
Then the said Bill was Read the third time.
And the Question being further put
Whether the said Bill do pass?
It was carryed in the Negative.
Ordered, that the said Bill be Rejected.

Mr Van Dam likewise Reported from the said Committee that they had considered of the petition of Capt Arent Schuyler, Capt Dugdale Campbell Messrs Antony Rutgers and Rordrigo Pacheco praying that the Sloop *Rereian* be Exempted from the Duty of Tonnage and the Allegations of the same appearing very just and Reasonable are therefore of opinion that the Petitioners have leave to bring in a Bill to the purposes in the said petition Expressed which Report being approved off,

Ordered, that the Petitioners have leave to prepare and bring in a Bill accordingly.

At a Council held at Fort George in New York, June the 20th, 1723.

Present— *His Excellency* William Burnet, Esqr, &c.,

Capt Walter,
Coll. Beekman,
Mr Van Dam,
Mr Barberie,
Mr Clarke,
Mr Harison,
Doctor Colden.

Mr Harison pursuant to order laid before this Board the Draft of An Act to prevent Desertion from his Majestys Forces in the province of New York. Which was Read and

Ordered a Second Reading.

A Message from the Assembly by Coll. Gausbeek with the Bill Entituled, An Act for Naturalizing Cornelius Van Santwoord, Johannes Martinus Vanharlingen, Peter Stillingwert, Abraham Roeters, Jacobus Wesselse, Abraham Isaacks, David Elias, Jacob Hays, Floris Van Taerling, John Masson, Christopher Lawrence, Peter Malleville, Elizabeth Bows, Joseph Simson, Jean Malliville, Johanna Sophia, Titema Widow of Jacobus Dekey late of The City of New York Deceased Isaack Rodrigues, Adries Trube. Iesaias Valleau, Diana Marche, Lieven Marche, Solomon Meyers, Bartel Micler, Yoos Sooy, John Pieter Zenger and Henry Mickael Cook, and desireing the concurrence of this Board thereto.

Ordered, that the Said Bill be Read the first time.

Then the Said Bill was Read the first time, And

Ordered a Second Reading.

A Message from the House of Representatives by Mr Lakerman with the Bill Entituled, An Act for Continuing An Act Entituled, An Act appointing Commissioners to Let to Farm the Excise of Strong Liquors in the Citys and Countys in this Colony and desireing the Concurrence of this Board thereto.

Ordered, that the Said Bill be Read the first time

Then the Said Bill was Read the first time and

Ordered a Second Reading

At a Council held at Fort George in New-York, June the 27th, 1723.

Present — *His Excellency* William Burnet, Esqr, &ca,

Capt Walter,
Coll Beekman,
Mr Barberie,
Mr Clarke,
Doctor Colden,
Mr Morris, Junr.

A Message from the Assembly by Capt Gerritsen with the Bill Entituled, An Act to Continue An Act of General Assembly Entituled, An Act for the better Clearing and further laying out Highways and desireing the Concurrence of this Board thereto.

Ordered, that the Said Bill be Read the first time.

Then the Said Bill was Read the first time and

Ordered a Second Reading

The Draught of An Act to prevent Desertion from his Majestys Forces in the province of New-York was Read the Second time and Committed to Gentl. of this Board or any five of them.

The Bill Entituled, An Act for Naturalizing Cornelius Van Santwoord, Johannes Martinus Vanharlingin, Pieter Stillingwert, Abraham Roeters, Jacobus Wesselse, Abraham Isaacs, David

Elias, Jacob Hays, Floris Van Taerling, John Masson, Christopher Lawrence, Pieter Malleville, Elizabeth Boues, Joseph Simson, Jean Malleville, Johannes Sophia Titema, Widdow of Jacobus De key, late of the City of New-York, Deceased, Isaac Rodrigues, Adries Trube, Iesaias Valleau, Dina Marche, Lievin Marche, Solomon Myers, Bartel Micler, Yoos Sooy, John Pieters Zenger, and Henry Michael Cook, Was Read the Second time and Committed to the Gentl. of the Council or any five of them.

The Bill Entituled, An Act for Continuing An Act appointing Commissioners to Let to Farm the Excise of Strong Liquors in the Citys and Countys in this Colony was Read the Second time and Committed to the Gentl. of this Board or any five of them

At a Council held at Fort George in New-York, June the 28th, 1723.

PRESENT — *His Excellency* Wm BURNET, Esqr, &ca.,

Capt WALTER,	Mr CLARKE,
Coll. BEEKMAN,	Doctor COLDEN,
Mr BARBERIE,	Mr MORRIS, Junr.

Mr Clarke Chairman of the Committee to whom was Committed the Draught of An Act to prevent Desertion from his Majestys Forces in the Province of New-York acquainted this Board that the Committee had considered of the said Act and was Ready to make their Report when this Board would please to Receive the same.

Ordered, that the said Report be made jmmediately.

Then Mr Clarke in his place Reported that the said Committee had gone through the said Act without any Amendments.

Ordered, that the same be Ingrossed.

Mr Clarke in his place likewise Reported that the Committee had gone through the Bill Entituled, An Act for Naturalizing Cornelius Van Santwoord and others without any Amendments

Ordered, that the said Bill be read the third time

Then the said Bill was read the third time and past without any Amendments

Ordered, that Mr Clarke do acquaint the House of Representatives that this Board has past the said Bill without any Amendments.

Mr Clarke in his Place further Reported that the Committee had gone through the Bill Entituled, An Act appointing Commissioners to Let to ffarm the Excise of Strong Liquors in the Citys and Countys in this Colony and made the following Amendments thereto vizt.

Page the 1st Line the 16th Leave out the word [six] and in lieu thereof Incert the word [five] At the End of the Bill add these words [and whereas Thomas Williams Esqr one of the Commissioners appointed by the aforerecited Act of Assembly for the City and County of Albany is since the passing the said Act Removed from the City so that he cannot attend the necessary Duty of the said office Be it therefore Enacted by the Authority aforesaid, That Phillip Livingston Esqr the other Commissioner appointed by the said Act for the said City And County shall and is hereby appointed Sole Commissioner for Letting to Farm the Excise of Strong Liquors in the said City and County and shall have, use and Exercise all the powers and authoritys and be subject to all and every the Regulations & Directions contained in the said Act as fully to all Intents constructions and purposes whatsoever as all or any the Commissioners named in the said Act are by the said Act appointed Empowered and Directed to have use or Exercise or be Subject to by virtue of the said Act]

Ordered, that the said Bill with the Amendments be Read the Third time.

Then the said Bill was Read the Third time with the Amendments.

Ordered, that the said Bill do pass as amended.

Ordered, that Mr Clarke do acquaint the House of Representatives that this Board has past the said Bill with some Amendments and that he carry the said Bill to the House of Representatives with the Amendments made thereto and desire their concurrence to the same.

A Message from the Assembly by Mr Hendrick Hansen with the Bill Entituled An Act for the Clearing and further laying out of Highways in the City and County of Albany and desireing the Concurrence of this Board thereto.

Ordered, that the said Bill be Read the first time.

Then the said Bill was Read the first time and

Ordered, a Second Reading.

The Bill Entituled, An Act of General Assembly Entituled, An Act for the better clearing and further laying out Highways, Was Read the Second Time and Committed to the Gentlemen of this Board or any five of them.

A Message from the Assembly by Mr Cuyler acquainting this Board that the Assembly cannot agree to the Amendments made by this Board to the Bill Entituled, An Act for Reviving An Act Entituled, An Act for Encouraging Navigation.

And the question being put by his Excellency whether this Board do Recede from their Amendments made to the said Bill it was carryed in the affirmative.

Resolved, that this board do Recede from their Amendments made to the said Bill.

Ordered, that Mr Clarke do acquaint the House of Representatives of the same.

Post Meridiem

PRESENT as before

Mr Morris Junr Chairman of the Committee to whom was Committed the Bill Entituled, An Act to Continue An Act of General Assembly Entituled, An Act for the better Clearing and further laying out Highways acquainted this Board that the Committee had considered of the said Bill and was Ready to make their Report when this Board would please to Receive the same.

Ordered, that the said Report be made immediately.

Then Mr Morris in his Place Reported that the said Committee had gone through the said Bill without any Amendments.

Ordered, that the said Bill be Read the third time.

Then the said Bill was Read the third time and past without any amendments.

Ordered, that Mr Morris Junr do acquaint the house of Representatives that this Board has past the said Bill without any Amendments.

A Message from the Assembly by their Speaker acquainting this Board that himself together with Coll Morris, Mr Phillipse, Capt Jansen, Coll. Provoost or any three of them are appointed a Committee by that House to Meet and Make their observations upon An Act passed in the Colony of Connecticut the Ninth of May last Relating to the Division Lines between that Colony and this and Desireing his Excellency that he will be pleased to appoint a Committee of the Council to joyn thereon.

Ordered, that Capt Walter, Mr Clarke, Mr Harison, Doctor Colden and Mr Morris Junr or any three of them be a Committee to Join a Committee of the House of Representatives for the purposes in the said Message, and that the said Committee do meet to morrow at Three in the afternoon at the House of Mr Bonticow in this city.

At a Council held at Fort George In New-York, July the 4th, 1723.

PRESENT — *His Excellency* Wm BURNET, Esqr, &ca.,

Capt WALTER,	Doctor COLDEN,
Mr VAN DAM,	Mr ALEXANDER,
Mr HARISON,	Mr MORRIS, Junr.

A Message from the Assembly by Capt Jansen acquainting this Board that the Assembly do agree to the Amendments made by this Board to the Bill Entituled, An Act for Continuing An Act Entituled, An Act appointing Commissioners to Let to farm the Excise of Strong Liquors in the Citys and Countys in this Colony.

Whereas the Acts of Assembly past Last Session are not as yet Enrolled.

Ordered, that the Secretary do forthwith proceed upon the same without Delay.

A Message from the Assembly by Mr Coeyman with the Bill Entituled, An Act for Naturalizing Catherine Depeyster, Geertruyd Coeymans, Sarah Governeur and John Van Loo and Desiring the Concurrence of this Board thereto.

Ordered, that the said Bill be Read the first time.

Then the said Bill was Read the first time and

Ordered, a second Reading.

Then the said Bill was Read the Second time and Committed to the Gentl of the Council or any five of them.

A Message from the Assembly by Mr Lakerman with the Bill Entituled, An Act to Enable Thomas Dongan and Walter Dongan two Surviving Kinsmen of Thomas Late Earl of Lymerick to sell some part of their Estate for payment of their Debts and Discharging some Incumbrances wherewith the same is now charged and Desiring the Concurrence of this Board thereto.

Ordered, that the said Bill be Read the first Time

Then the said Bill was Read the first time and

Ordered, A second Reading

Then the said Bill was Read the Second time and committed to the Gentlemen of the Council or any five of them. And

Ordered, that the Partys concerned therein have Notice to Attend the said Committee to morrow Morning at Ten a clock in Council Chamber

The Bill Entituled, An Act for the Clearing and further laying out of Highways in the City and County of Albany was read the Second Time and Committed to the Gentlemen of this Board or any five of them.

A Message from the Assembly by Mr Hendrick Hansen with the Bill Entituled, An Act for paying the charges and Expenses of Wooden Houses or Sheds Built near the City of Albany for the accommodation of ye Indian Trading at Albany and for to keep them in good Repair and Desiring the concurrence of this Board thereto.

Ordered, that the said bill be Read the first time.

Then the said Bill was Read the first time and

Ordered a Second Reading

Then the said Bill was Read the Second time and Committed to the Gentlemen of this Board or any five of them.

The Bill Entituled, An Act to prevent Desertion from his Majestys forces in the province of New-York was Read the third time and past.

Ordered, that Mr Morris Junr do Carry the said Bill to the House of Representatives and desire their Concurrence to the same.

His Excellency withdrawing, the Gentlemen of the Council Resolved into a Committee

His Excellency Returning to the Council Chamber took his place.

Then Mr Morris Chairman of the Committee to whom was Committed the Bill Entituled, An Act for Naturalizing Catherine De Peyster Geertruyd Coeymans, Sarah Governeur, and John Van Loo acquainted this Board that the Committee had considered of the said Bill and was Ready to make their Report when this Board would please to Receive the same.

Ordered, that the said Report be made jmmediately

Then Mr Morris Junr in his Place Reported that the said Committee had gone through the said Bill without any amendments.

Ordered, that the said Bill be Read the third time

Then the said Bill was Read the third time and past without any Amendments.

Ordered, that Mr Morris Junr do acquaint the house of Representatives that this Board has past the said Bill without amendments.

At a Council held at Fort George In New York, July the 5th, 1723.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca.,

Capt WALTER,	Doctor COLDEN,
Mr VAN DAM,	Mr ALEXANDER,
Mr CLARKE,	Mr MORRIS, Junr.
Mr HARISON,	

Capt Walter Chairman of the Committee to whom was Committed the Bill for paying the charges and Expences of Two Wooden Houses or Sheds Built near the City of Albany for the accomodation of the Indian Trading at Albany and for keeping them in good Repair as likewise the Bill Entituled, An Act for the Clearing and further Laying out of Highways in the City and County of Albany, Acquainted this Board that the Committee had considered of the said Bills and was Ready to make their Report when this Board would please to Receive the same.

Ordered, that the said Report be made Jmmediately.

Then Capt Walter in his Place Reported that the Committee had gone through the said Bill without any amendments.

Ordered, that the said Bill be Read the third time

Then the said Bill was Read the third time and past without any Amendments.

Ordered, that Captain Walter do acquaint the House of Representatives that this Board has past the said Bill without any Amendments.

Ordered, the Bill Entituled, An Act to Enable Thomas Dongan and Walter Dongan two Surviving Kinsmen of Thomas late Earl of Lymerick to sell some part of their Estate for Payment of their Debts and discharging some Incumbrances wherewith the same is now charged, be Recommitted.

A Message from the Assembly by Coll. Provoost and Capt Jansen with the Bill Entituled, An Act for Raising and Levying the Quantity of five Thousand three hundred and fifty ounces of Plate for uses therein Mentioned and for Striking and making Bills of Credit to that value and Desiring the Concurrence of this Board thereto.

Ordered, that the said Bill be Read the first time.

Then the said Bill was Read the first time and

Ordered, a Second Reading.

A Message from the Assembly by Coll Hicks with the Bill Entituled, An Act to Revive An Act Entituled, An Act to Authorize the Justices of the Peace to Build and Repair Goals and

Court Houses in the Severall Countys of this Province so farr as it Relates to Queens County and desiring the concurrence of this Board thereto.

Ordered, that the said Bill be Read the first Time

Then the said Bill was Read the first Time and

Ordered, a Second Reading.

Post Meridiem

PRESENT as Before

A Message from the Assembly by Capt Gerritsen acquainting this Board that the Assembly had Agreed to the Bill Entituled, An Act to prevent Desertion from his Majestys forces in the province of New-York with An amendment which was agreed to by this Board and

Ordered to be Engrossed as amended.

Ordered, that Mr Clarke do Acquaint the House of Representatives of the same. It is further

Ordered, that Mr Clarke do carry back to the Assembly the Bill Entituled, An Act appointing Commissioners to Let to farm the Excise of Strong Liquors in the Citys and Countys in this Colony and desire they will order the same to be Ingrossed as amended as this Board has done to the Bill Relating to Desertion which is according to the Constant Practice of Parliament.

The Bill Entituled, An Act for Raising and Levying the Quantity of five Thousand Three hundred and fifty ounces of Plate for the uses therein mentioned and for striking and making Bills of Credit of that value was Read the Second time and committed to the Gentlemen of this Board or any five of them.

His Excellency withdrawing, the Gentlemen of the Council Resolved into a Committee

His Excellency Returning to the Council Chamber took his place.

Then Mr Morris Junr Chairman of the Committee to whom was Committed the Bill Entituled, An Act for raising and Levying the Quantity of five Thousand Three hundred and fifty ounces of Plate for the uses therein Mentioned and for striking and making Bills of Credit of that value as Likewise the Bill Entituled, An Act to Revive An Act Entituled, An Act to Authorize the Justices of the peace to Build and Repair Goals and Court Houses in the severall countys of this Province so farr as it Relates to Queens County acquainted this Board that the Committee had considered of the said Bills and was Ready to make their Report when this Board would pleace to Receive the same.

Ordered, that the said Report be made jmmediately.

Then Mr Morris Junr in his place Reported that the said Committee had gone through the said Bill without any Amendments.

Ordered, the Said Bill be Read the third time.

Then the said Bill was Read the third time and past without Amendments.

Ordered, that Mr Morris Junr do acquaint the House of Representatives that this Board has past the said Bill without any Amendments.

Doctor Colden Chairman of the Committee to whom was Committed the Bill Entituled, An Act to Enable Thomas Dongan and Walter Dongan Two Surviving Kinsmen of Thomas late Earl of Lymerick to sell some part of their Estate for Payment of their Debts and Discharging some Incumbrances wherewith the same is now charged Acquainted this Board that the said Committee had gone through the said Bill with the following Amendments vizt At the End of the Bill add these words [This Act not to be in force untill it Receives his Majestys Royal Approbation.

Ordered, the said Bill with the Amendments be Read the third time.

Then the said Bill was Read the Third time as amended.

Ordered, that the said Bill do pass as amended.

Ordered, that Doctor Colden do acquaint the House of Representatives that this Board has past the said Bill with some Amendments and that he Carry the said Bill to the House of Representatives with the amendments made thereto and desire their concurrence to the same.

At a Council held at Fort George In New York, July the 6th, 1723.

Post Meridiem

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c.a,

Capt WALTER,
Coll BEEKMAN,
Mr VAN DAM,
Mr HARISON,
Doctor COLDEN,
Mr ALEXANDER,
Mr MORRIS, Junr.

Ordered, that the Deputy Clerk of the Council do acquaint the House of Representatives that his Excellency Requires their Immediate Attendance at the Council Chamber.

The Assembly accordingly attending with their Speaker, His Excellency gave his Assent to the following Acts vizt

1st An Act for Reviving An Act, Entituled, An Act for Encouraging Navigation.

2nd An Act to prevent Desertion from his Majestys forces in the Province of New York

3rd An Act for Raising and Levying the Quantity of five Thousand and Three hundred and fifty ounces of Plate for the uses therein mentioned and for striking Bills of Credit of that value.

4th An Act for continuing An Act, Entituled, An Act Appointing Commissioners to Let to farm the Excise of Strong Liquors in the Citys and Countys in this Colony.

5th An Act for paying the charges and Expences of Two Wooden Houses or Sheds built near the City of Albany for the accommodation of the Indian Trading at Albany and for keeping them in good Repair.

6th An Act to continue An Act of General Assembly Entituled, An Act for the better clearing and further laying out Highways.

7th An Act for the Clearing and further laying out of Highways in the City and County of Albany.

8th An Act to Revive An Act Entituled, An Act to Authorize the Justices of the Peace to Build and Repair Goals and Court Houses in the several Countys of this Province so farr as it Relates to Queens County.

9th An Act to Determine and take of the Reward allowed by former Acts for killing and destroying Wild Cats and foxes.

10th An Act for Naturalizing Cornelius Van Santwoord and others.

11th An Act for Naturalizing Catherine Depeyster, Geertruyd Coeyemans, Sarah Governeur and John Van Loo.

12th An Act to Enable Thomas Dongan and Walter Dongan two Surviving Kinsmen of Thomas late Earl of Lymerick to sell some part of their Estate for payment of their Debts and Discharging some Incumbrances wherewith the same is now charged.

Then his Excellency Desired the Assembly to adjourn themselves to the first Tuesday in October next

---

[N. Y. Col. MSS., LXVI., 47.]

BY HIS EXCELLENCY

WILLIAM BURNET, Esq; Captain General and Governour in Chief of the Provinces of
(L. S.) Newyork Newjersey and Territories thereon Depending in *America* and Vice-Admiral of the same, &ca

A PROCLAMATION

WHEREAS the General Assembly of the Province of New York stands Adjourned to the second Tuesday of March next, I have thought fit, for his Majesty's Service, and by Virtue

of the Powers and Authorities to me given by his Majesty's Letters Patents under the Great Seal of *Great Britain* further to Adjourn the said General Assembly until the *Second Tuesday* of *May* next, And I do hereby accordingly Adjourn the said General Assembly until the *Second Tuesday* of *May* next of which all his Majesty's Subjects are to take Notice, and Govern themselves accordingly.

Given under my hand and Seal at Arms at Fort George in *New York* the *Seventeenth* day of *February* in the tenth year of his Majesty's Reign, Annoq Dom. 172$\frac{3}{4}$

By his Excellency's Command W. BURNET
Is. Bobin *D. Secry*

God save the KING.

SEVENTEENTH ASSEMBLY THIRTEENTH SESSION.

At a Council held at Fort George in New York, May y^e 15th, 1724.

Present — *His Excellency* William Burnet, Esqr, &c^a.,

Capt Walter,
Mr Van Dam,
Mr Barberie,
Mr Harison,
Mr Alexander,
Mr Morris, Junr,
Mr Wm Provoost.

Ordered, that the Deputy Clerk of the Council do Acquaint the House of Representatives that his Excellency requires their immediate attendance at the Council Chamber.

The Assembly accordingly attending with their Speaker his Excellency made the following Speach in these words vizt.

Gentlemen,

The hearty Zeal which you have always shewn for his Majestys Government and your just Concern for the welfare of Great Brittain on which your own Safety and happiness Depends makes this opportunity very agreable to me of Rejoycing with you at the present happy posture of Affairs at Home and the unparalled Glory his Majesty has gained abroad by fixing the peace and Tranquility of Europe on such lasting foundations as humanly Speaking cannot easily be shaken.

The Wisdom of a British Parliament has been very Eminent upon this occasion, they have not Slacken'd their Care in Securing the Nation from Danger or Surprize and they have Employed a time of Plenty Wealth and Quiett in providing for an Easy and Effectuall payment of the publick Debts,

It is with pleasure I Recommend to you so great an Example since as I am sure you approve and admire it I have Reason to Expect you will imitate in your own measures for maintaining the Defence and credit of this Province.

When you are informed of the Ruinous Condition of the buildings of this Fort which is the only strength of the Town and Harbour, you will agree with me that an immediate and sufficient Provision to Repair it is the most frugal method to go about so necessary a work; what you have formerly Provided has been fully Employed by me for that Service and I will order and estimate of the Extraordinary Repairs now wanting to be laid before you.

The great Arrears due on the Support of Government are a great hardship and Discouragement to the officers which I believe you will not think they Deserve, I must therefore Earnestly Recommend it to you to make an Effectuall provision for all the Incumbrances Remaining on the Revenue and to supply the Treasurer so amply that for the future Warrants may be paid punctually as they become Due.

I have the Satisfaction to acquaint you that his Majesty has given his Royall Approbation by an Order in Council to An Act for runing and Ascertaining the Lines of Partition and Division between this Colony and the Colony of Connecticut.

I must observe to you that this has not been obtained without much opposition from the agent for the Colony of Connecticut and after two hearings one before the Lords of Trade

and the other before a Cōmittee of the Privy Council who Reported to his Majesty in favour of the Act.

The usefulness of having Agents constantly at Home may appear very plainly to you upon this occasion, and I wish I was not obliged to Remind you to make good your Encouragement for the time past and that Account as I am Confident you will Judge it necessary to continue the like Encouragement for the future and what you have still Depending and what you shall have from time to time may not suffer for want of care and attendance with (*sic*) the business Requires and without which the misrepresentation of persons may gain credit to the prejudice of your proceedings.

When I send you a copy of his Majesty's order and (*sic*) Council I will at the same time send you Copys of all the papers that passed at a State meeting between Comm^rs from this Province and Comm^rs for Connecticut from whence the Latter thought fitt to withdraw very unexpectedly, that you may Consider what further Measures to take to bring this Affair to a conclusion.

I believe you are very Sensible of the good Effect of the Laws to prevent the Trade for Indian Goods to Canada the Number of Remote Nations who came to Trade at Albany last summer was a begining of those happy Conveyances which you had in View and there is Reason to Expect greater Number of those Indians at this time, unless the French use Violence to prevent them and in Case that* I am sure there will not be only more reason than ever to continue the Laws, But indeed it will become Necessary to forbid all manner of Correspondence with Canada, if they Attempt to Deprove you of the Right which the Treaty between Great Britain and France gives you of Tradeing with all the Indians on the Continent of America who are not to be hindred or Molested in their Way to and from the† of the British Colonys on Account of Trade.

This matter is of such consequence that I hope you will Omit no measures that may be taken to Increase our Trade with the far Nations and prevent any persons from continuing to serve the French Interests for their own private gain to the Manifest Detriment of the publick Interest and safety, and at the same time I am Confident you will think that all proper methods should be provided for that may Encourage the five Nations to Remain firm to us and to prevent the unwearied endeavours the french use to seduce them.

I have Received An Additional Instruction from his Majesty concerning Private Acts of which I will send you a copy.

If any Laws are thought Requisite by you for the publick Good I shall always continue my Readiness to join with you in every thing consistant with my Duty and your happiness.

[N. Y. Col. MSS., LXVI., 83.]

By his Excellency

WILLIAM BURNET, Esqr; Captain General and Governour in Chief of the Provinces of New York, New Jersey, and Territories thereon Depending in *America*, and Vice Admiral of the same, &c^a.

A PROCLAMATION

WHEREAS the General Assembly of the Province of New York stands Adjourned to this day I have thought fit, for his Majests Service, and by Virtue of the Powers and Authoritys to me given by his Majestys Letters Patents under the Great Seal of *Great Britain* further to Adjourn the said General Assembly until to morrow the *second* of *this jnstant* and I do hereby accordingly Adjourn the said General Assembly until to morrow the *second* of *this Instant*, of which all his Majestys Subjects are to take Notice, and Govern themselves accordingly

Given under my hand and seal at Arms at Fort George in *New York* the *first* day of *June* in the tenth year of his Majestys Reign Annoq Dom. 1724

By his Excellencys Command W. BURNET

Is Bobin *D Sēcry*

God save the KING

* In that case.

† *Sic*, for "any."

At a Council held at Fort George in New York, June the 23^{d}, 1724.

PRESENT — *His Excellency* Wm BURNET, Esqr, &c^{a}.,

Capt WALTER,
M^{r} VAN DAM,
Mr HARISON,
Doctor COLDEN,
Mr Wm PROVOOST.

A Message from the Assembly by Mr Cocyman with the Bill Entituled, An Act to prevent Damages by Swine in Dutchess County and in the Mannor of Livingston and in the Precinct of the Mannor of Renselaerswick called Claverack and desiring the concurrence of this Board thereto.

Ordered, that the said Bill by Read the first time.

Then the said Bill was Read the first time and

Ordered, a Second Reading

Then Mr Barberie took his place

A Message from the Assembly by Mr Hutchinson with the Bill Entituled, An Act for the further Laying out highways in the County of Suffolk and desiring the concurrence of this Board thereto.

Ordered, that the said Bill be read the first time.

Then the said Bill was Read the first time and

Ordered, a Second Reading

This Board observing that the Act Entituled, An Act for Setling the Militia in this Province and making of it more usefull for the Security and Defence thereof and for Repealing all former Acts relating to the same, is near Expiring,

Resolved, that a Bill be brought in for Continuing the said Act and making such Additions thereto as shall be thought Requisite & that Mr Harison, Doctor Colden and Wm Provoost do prepare and bring in the same accordingly.

The Memorial of Archibald Kennedy Esqr Receiver General of this Province informing this Board that by inspecting the Records of Patents for Land he finds a great many where the Rent is not fully ascertained the Reddendum of such Patents being Expressed in the following Words Yeilding &c^{a} such Rents and Acknowledgements as shall be Established by the Laws of this Government,—and praying that the Rents of such Patents may now be ascertained by the Legislative authority, was Read, and Referred to the Gentlemen of this Board or any five of them.

At a Council held at Fort George in New York, June the 24th, 1724.

PRESENT — *His Excellency* Wm BURNET, Esqr, &c^{a}.,

Capt WALTER,
Mr BARBERIE,
Mr HARISON,
Doctor COLDEN,
Mr Wm PROVOOST.

A Message from the Assembly by Coll Hicks with the Bill Entituled, An Act to Enable the Justices of Queens County to finish and compleat the Goal and Court house already erected in the said County and Desiring the Concurrence of this Board thereto.

Ordered, that the said Bill be read the first time

Then the said Bill was Read the first time and

Ordered, a Second Reading

A Message from the Assembly by Mr Jansen with the Bill Entituled, An Act to prohibit all persons but Susanna Parmyter Widow and her Assigns to make Lamp black during the space of Ten years and desiring the concurrence of this Board thereto.

Ordered, that the said Bill be read the first time.

Then the said Bill was Read the first time and

Ordered, a Second Reading

The Bill Entituled, An Act to prevent Damages by Swine in Dutchess County and in the Mannor of Livingston and in that precinct of the Mannor of Renselaerswick called Claverack in the County of Albany, Was Read the Second time and committed to the Gentlemen of this Board or any five of them.

The Bill Entituled, An Act for the further Laying out and better clearing highways in the County of Suffolk was read the second time and Committed to the Gentlemen of this Board or any five of them.

The Committee appointed to bring in a Bill for Reviving the Militia Act Represented to the Board that Omissions and inconveniencys of That Act will Require that a New Bill be prepared in Lieu thereof to which the Board do agree.

Ordered, that the said Committee do bring in a new Bill for that purpose.

At a Council held at Fort George in New York, June the 29th, 1724.

PRESENT— *His Excellency* WILLIAM BURNET, Esqr, &ca.,

Mr VAN DAM, Doctor COLDEN,
Mr BARBERIE, Mr Wm PROVOOST.
Mr HARISON,

Mr Harison in his place Reported from the Committee appointed to bring in a Bill for better setling the Militia that they had prepared the same accordingly and directed him to Lay the same before this Board.

Ordered, that the said Bill be Read the first time.

Then the said Bill was read the first time and

Ordered, a second Reading.

Doctor Colden Chairman of the Committee to whom was Referred the Memorial of Archibald Kennedy Esqr Receiver General of this Province in his place Reported that the said Committee had considered of the said Memorial and were of opinion that the said Receiver General do advise with the Chief Justice of this Province in order for the preparing a Bill to the Purposes of the Memorial Mentioned and that he have Leave to present the same to his Excellency and this Board, which Report was approved of.

Doctor Colden further Reported from the said Committee to whom was Committed the Bill Entituled, An Act to prevent Damages by Swine in Dutchess County and the Mannor of Livingston and that Precinct of the Mannor of Renselaerswick called [Claverack] in the County of Albany. That the Committee had considered of the same and was Ready to make their Report when this Board would please to Receive the same

Ordered, that the said Report be made immediately.

Then Doctor Colden in his place reported that the said Committee had gone through the said Bill and agreed to the same without Amendment.

Ordered, that the said Bill be Read the Third time.

Then the said Bill was read the Third time.

Ordered, that the said Bill do pass without Amendment.

Ordered, that Doctor Colden do acquaint the House of Representatives that this Board has past the said Bill without Amendment.

The Bill Entituled, An Act for setling and Regulating the Militia in this Province and making the same usefull for the security and Defence thereof and for Repealing all other Acts Relating to the same, Was Read the second time, and Committed to the Gentlemen of this Board or any five of them.

His Excellency withdrawing, the Gentlemen of the Council Resolved into a Committee.

His Excellency returning to the Council Chamber took his place

Then Doctor Colden in his place Reported from the Committee to whom was Committted the Bill Entituled, An Act to prohibit all persons but Susanna Parmyter widow and her assigns to make Lampblack during the space of Ten Years as likewise the Bill Entituled, An Act to Enable the Justices of Queens County to finish and compleat the Goal and Court house already Erected in the said County That the Committee had considered of the said Bills and was Ready to make their Report when this Board would please to Receive the same

Ordered, that the Said Report be made immediately.

Then Doctor Colden in his place Reported that the Said Committee had gone through the Said Bills and Agreed to the Same without Amendments

Ordered, that the Said Bill be read the third time.

Then the Said Bill was read the third time.

Ordered, that the Said Bill do pass without Amendment.

Ordered, that Doctor Colden do Acquaint the house of Representatives that this Board has past the Said Bills without amendments.

At a Council held at Fort George in New York, July the 9th, 1724.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca,

Mr VAN DAM, Doctor COLDEN,
Mr BARBERIE, Mr ALEXANDER,
Mr HARISON, Mr WILLIAM PROVOOST.

Mr Harison Chairman of the Committee to whom was Committed the Bill Entituled, An Act for Setling and Regulating the Militia in this Province and making the Same Usefull for the Security and Defence thereof and for Repealing all other Acts Relating to the Same, Acquainted

this Board that the Committee had Considered of the Same and was ready to make their Report when this Board would please to Receive the Same.

Ordered. that the Said Report be made immediately.

Then Mr Harison in his place Reported that the Said Committee had gone through the Said Bill with Some Amendments, Which were read and Agreed to by this Board.

Ordered, that the Said Bill with the Amendments be Engrossed.

At a Council held at Fort George in New York, July the 11th, 1724.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca,

Mr VAN DAM,
Mr BARBERIE,
Mr HARISON,
Doctor COLDEN,
Mr Wm PROVOOST.

A Message from the Assembly by Mr Hansen dated the First Instant with the Bill Entituled, An Act for Naturalizing Frans Vandenberg, Harmanus Simonis, Johannes Glundorff, Peter Felinck, Francis Clerimbault, Jean Claudi, and Johan Philip Lenningbecker and desiring the Concurrence of this Board thereto.

Ordered, that the Said Bill be Read the first time.

Then the Said Bill was Read the first time and

Ordered, a Second Reading

A Message from the Assembly by Mr Lackerman Dated the third instant with the Bill Entituled, An Act to oblige the Collector and Treasurers of Richmond County Effectually to Collect and pay the Annual Rate of the Said County and desiring the Concurrence of this Board thereto

Ordered, that the Said Bill be read the first time.

Then the Said Bill was read the first time and

Ordered, a Second Reading

Then Mr Harison took his place.

A Message from the Assembly by Alderman Kip dated the fourth instant with the Bill Entituled, An Act for paying Garret Van Horne, David Provoost, Johannes Jansen, and Jacobus Kip Esqrs for Serving in General Assembly and Desiring the Concurrence of this Board thereto.

Ordered, that the Said Bill be read the first time.

Then the Said Bill was read the first time and

Ordered a Second reading.

A Message from the Assembly by Mr Philipse, Coll Provoost, Coll Willett and Coll Hicks dated the ninth instant with the Bill Entituled, An Act for raising and Levying the Sum of Six Thousand Six hundred and thirty pounds for the Supplying the Deficiencys of his Majestys Revenue and for the Several Uses and Purposes therein mentioned and for making Bills of Credit to be Issued for that Value.

Ordered, that the Said Bill be read the first time.

Then the Said Bill was read the first time and

Ordered, a Second reading.

The Engrossed Bill Entituled, An Act for Setling and Regulating the Militia of this Province and making the Same Usefull for the Security and Defence thereof and for repealing all former Acts relating to the Same, Was read the third time and past.

Ordered, that Mr Harison do Carry the Said Bill to the House of Representatives for their Concurrence to the Same.

At a Council held at Fort George in New York, the 13th *of July*, 1724.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca,

Mr VAN DAM,
Mr BARBERIE,
Doctor COLDEN,
Mr ALEXANDER,
Mr WILLIAM PROVOOST.

Mr Alexander in his place Reported from the Committee to whom was Committed the Bill Entituled, An Act for the further laying out Regulating and better Clearing Highways in the County of Suffolk that the Committee had Considered of the Said Bill and was ready to make their Report when this Board would please to receive the Same.

Ordered, that the Said Report be made immediately.

Then Mr Alexander in his place Reported that the Committee had gone through the Said Bill and Agreed to the Same without Any Amendments.

Ordered, that the Said Bill be read the Third time

Then the Said Bill was read the first (*sic*) time and past without Amendments.

Ordered, that Mr Alexander do Acquaint the House of Representatives that this Board has past the Said Bill without Amendments.

The Bill Entituled, An Act for Naturalizing Francis Vanderberg, Harmanus Simonis, Johannis Glundorff, Peter Felinck, Francis Clerembault, Jean Claudi, and Johannis Phillip Lenningbecker, Was read the Second time and Committed to the Gentlemen of this Board or any five of them.

The Bill Entituled, An Act for to Oblige the Collectors and Treasurer of Richmond County Effectually to Collect and pay the Annual rate of the Said County, Was read the Second time and Committed to the Gentlemen of this Board or any five of them.

The Bill Entituled, An Act for paying Garrit Vanhorne, David Provoost, Johannes Jansen and Jacobus Kip Esqrs for Serving in General Assembly was read the Second time and Committed to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act for raising and Levying the Sum of Six Thousand and Six hundred and thirty pounds for the Supplying the Deficiencys of his Majestys Revenue and for the Several uses and purposes therein mentioned and for making Bills of Credit to be issued for that value, Was read the Second time and Committed to the Gentlemen of this Board or any five of them.

His Excellency withdrawing The Gentlemen of the Council resolved into a Committee

His Excellency returning to the Council Chamber took his place

Then Mr Alexander in his place Reported from the Committee to whom was Committed the following Bills Vizt The Bill Entituled, An Act for naturalizing Francis Vandenberg, Harmanus Simonis, Johannes Glundorff, Peter Felinck, Francis Clerembault, Jean Claudi and Johan Phillip Lenningbecker. The Bill Entituled, An Act to Oblige the Collectors and Treasurer of Richmond County Effectually to Collect and pay the Annual rate of the Said County. The Bill Entituled, An Act for paying Garrit Vanhorne, David Provoost, Johannes Jansen, and Jacobus Kip Esqrs for Serving in General Assembly And the Bill Entituled, An Act for raising and Levying the Sum of Six Thousand Six hundred and Thirty pounds for the Supplying the Deficiencys of his Majestys Revenue and for the Several uses and purposes thereinmentioned and for making Bills of Credit to be issued for that Value, that the Committee had Considered of the Said Bills and was ready to make their Report when this Board would please to Receive the Same.

Ordered, that the Said Report be made immediately.

Then Mr Alexander in his place Reported that the said Committee had agreed to the said Bills without any Amendment.

Ordered, that Mr Alexander do acquaint the House of Representatives that this Board has past the said Bills without any Amendments.

At a Council held at Fort George in New York, July the 16th, 1724.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c.,

Capt WALTER,	Doctor COLDEN,
Mr VAN DAM,	Mr ALEXANDER,
Mr CLARKE,	Mr Wm PROVOOST.
Mr HARISON,	

A Message from the Assembly by Coll. Provoost Dated the 14th of July with the Bill Entituled, An Act to prevent Tenants of all kinds from Committing Waste and Trespasses on Lands in their Tenure or Possession and for punishing all such other persons as by Water or Land shall aid and abet therein and for preventing Diverse other Enormitys Exceeding hurtfull to the growing Settlements and Plantations in the Countys of Orange and Ulster and for Laying out and maintaining a High Road with the same, and desiring the Concurrence of this Board thereto.

Ordered, that the said Bill be read the first time

Then the said Bill was read the first time and

Ordered, a second Reading

A Message from the Assembly by Mr Jansen dated the 14th Instant with the Bill Entituled, An Act to Encourage William Bradford and his Assignes to make Paper and prohibit all other persons from making the same in this Province during the space of fifteen years and Desiring the Concurrence of this Board thereto.

Ordered, that the said Bill be Read the first time.

Then the said Bill was Read the first time and

Ordered, a Second Reading.

A Message from the Assembly by Coll. Provoost dated the 16th instant with the Bill Entituled, An Act to prevent Boats and other vessells and the Goods put on Board them from being interrupted or molested whilst their navigation is Confined within this Colony and desiring the concurrence of this Board thereto.

Ordered, that the said Bill be read the first time.

Then the said Bill was read the first time and

Ordered a second reading

The Receiver General according to order laid before this Board The Bill Entituled, An Act for the Ascertaining the Rents due and payable to his Majesty for some of the Lands formerly granted in this Province for which no certain Rent hath been reserved in the Grants made of the said Land

Ordered, that the said Bill be read the first time.

Then the said Bill was read the first time and

Ordered a second reading.

At a Council held at Fort George in New York, July the 18th, 1724.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca.,

Capt WALTER,	Mr HARISON,
Mr VAN DAM,	Doctor COLDEN,
Mr CLARKE,	Mr Wm PROVOOST.
Mr BARBERIE,	

A Message from the Assembly by Mr Jansen dated the 16th Instant with the Bill Entituled, An Act for continuing the Acts made for prohibiting the Selling the Indian Goods to the French with some alterations and desiring the concurrence of this Board thereto.

Ordered, that the said Bill be read the first time.

Then the said Bill was read the first time and

Ordered, a Second reading.

The Bill Entituled, An Act to prevent Tenants of all kind from Committing Waste and Trespasses on Land in their Tenure or possession and for punishing all such other persons as by Water or Land shall aid and abet therein and for preventing Diverse other Enormities exceeding hurtfull to the growing Settlements and Plantations in the Countys of Orange and Ulster and for Laying out and maintaining a High Road with the same, Was read the Second time and committed to the Gentlemen of the Council or any five of them.

The Bill Entituled, An Act to Encourage Wm Bradford and his Assignes to make Paper and to Prohibit all persons from making the same in this Province during the space of ffifteen years, Was Read the Second time and Committed to the Gentlemen of the Council or any five of them.

The Bill Entituled, An Act to prevent Boats and other Vessells and the Goods put on Board them from being interrupted or molested whilst their navigation is confined within this Colony, Was read the Second time.

Upon reading the Petition of Archibald Kennedy Esqr Collector and Receiver General of this Province concerning the said Bill.

Ordered, that the Deputy Clerk of the Council do Carry a Message to the Assembly acquainting them that this Board desires they would Communicate to them such Papers or other Informations on which the Preamble of the said Bill is grounded.

The Board taking into consideration that this Sessions of Assembly is near Closing and the Bill Entituled, An Act for the Ascertaining the Rents due and payable to his Majesty for some of the Lands formerly granted in this Province for which no certain Rent hath been reserved in the Grant made of the said Lands being of consequence, it is therefore referred till next Sessions.

His Excellency withdrawing the Gentlemen of the Council resolved into a Committee.

His Excellency returning to the Council Chamber took his place.

Then Mr Clarke Chairman of the Committee to whom was Committed the Bill Entituled, An Act for to prevent Tenants of all kind from Committing Waste and Trespasses on Lands in their Tenure or possession and for punishing all such other persons as by Water or Land shall aid or abet therein and for preventing Diverse other Enormities Exceeding hurtfull to the growing Settlements and Plantations in the Countys of Orange and Ulster for Layingout and maintaining a High Road with the same Reported that the Committee had gone through the said Bill and made the following amendments thereto to wit folio 2d Line the 19th between [year] and the word [of] Insert these words [of the Reign] Strike out the word Reign in the same Line and in Lieu thereof insert these words [King William the third of Glorious Memory] fol 3d Line the 13th Leave out the word [firing] and in Lieu thereof insert the word [fencing] fol 8 Line the 22d between the word [aforesaid] and the word [to] insert these words [and within four miles on either side of the Road by this Act intended to be made.]

Ordered, that the said Bill be Read the third time with the amendments.

Then the said Bill was Read the third time with the Amendments and past as amended.

Ordered, that Mr Clarke do carry the Bill to the House of Representatives with the Amendments made thereto by this Board and desire their concurrence to the same.

Mr Clarke likewise Reported from the same Committee to whom was Committed the Bill Entituled, An Act to Encourage William Bradford and his Assignes to make Paper and to prohibit all person from making the same in this Province during the space of Fifteen years, that they had gone through the said Bill without any Amendment

The question being put

Whether the said Bill be read the Third time?

It was carryed in the negative

At a Council held at Fort George in New York, July the 21st, 1724.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca.,

Capt WALTER,
Mr VAN DAM,
Mr BARBERIE,
Mr HARISON,
Mr Wm PROVOOST.

A Message from the Assembly dated the [by Col Provoost acquainting] this Board that the Assembly do agree to the Amendments made by this Board to the Bill Entituled, An Act to prevent Tenants of all kind from Committing Waste and Trespasses on Lands in their Tenure or Possession and for punishing all such other persons as by Water or Land shall aid and abet therein &c

The Bill Entituled, An Act for continuing the Acts made for prohibiting the selling of Indian Goods to the French with some alterations was read the second time and Committed to the Gentlemen of this Board or any five of them.

A Message from the Assembly dated the Twentyeth instant by Coll Schuyler with the Bill Entituled, An Act for the fortifying the City of Albany and desiring the concurrence of this Board thereto.

Ordered, that the said Bill be read the first time

Then the said Bill was read the first time and

Ordered, a Second reading.

A Message from the Assembly by Mr Cuyler dated the 21st instant with the Bill Entituled, An Act to Enable the Mayor, Aldermen and Commonalty of the City of Albany to Defray the Publick and necessary charges of the said City and desiring the concurrence of this Board thereto.

Ordered, that the said Bill be read the first time

Then the said Bill was read the first time and

Ordered, a second reading.

A Message from the Assembly dated the 21st Instant by Alderman Jansen with the Bill Entituled, An Act for making Bills of Credit and puting the same into the Treasurers hands for Exchanging therewith such Bills of Credit of this Province as are Torn and Defaced and desiring the concurrence of this Board thereto.

Ordered, that the Bill Entituled, An Act to prevent Boats and other vessells and the Goods put on Board of them from being interrupted or molested whilst their navigation is Confined within this Colony, be Referred to the Gentlemen of this Board or any five of them and that the Collector and Receiver Generals Petition Relating thereto be considered by the same Committee as Likewise the Depositions of James Smallshanks and Thomas Scudder laid before this Board by Coll Hicks, Coll Thomas Willet and Capt Van Horne by order of the General Assembly. It [is] further

Ordered, that the Said Committee do at the Same time Consider of the Laws of Trade So far as it relates to the Said Bill.

Ordered, that the Deputy Clerk of the Council do Acquaint the House of Representatives that Doctor Colden is appointed by this Board to Examine and Compare the Acts of Assembly of this Province passed the 3d 4th and 5th Sessions of Assembly Since his Excellencys Arrival with the Enrollment thereof and to Desire that House to appoint one of their members to Join therein after the End of this Session

At a Council held at Fort George in New York, the 22d *July*, 1724.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca,

Capt WALTER, Mr VAN DAM, Mr BARBERIE, Mr HARISON, Mr Wm PROVOOST.

Mr Harison in his place Reported from the Committee to whom was Committed, The Bill Entituled, An Act for Continuing the Acts made for prohibiting the Selling of Indian Goods to the French with Some alterations that they had Considered of the Said Bill and was ready to make their Report when this Board would please to Receive the Same

Ordered, that the Said Report be made immediately.

Then Mr Harison in his place Reported that the Said Committee had agreed to the Said Bill without Any Amendment.

Ordered, that the Said Bill be read the third time.

Then the Said Bill was read [the third] time and past without Amendments.

Ordered, that Mr Harison do Acquaint the House of Representatives that this Board has past the Said Bill without Amendments

Mr William Provoost Chairman of the Committee to whom was Committed the Bill Entituled, An Act to prevent Boats and other Vessells and the Goods put on Board them from being interrupted or Molested whilst their Navigation is Confined within this Colony Reported that they had Considered of the Said Bill and was ready to make their Report when this Board would please to Receive the Same.

Ordered, that the Said Report be made immediately.

Then Mr Provoost in his place Reported that the Committee had Agreed to the Said Bill with the following Amendments To wit between the word [Persons] in the 18 Line of the third page and the word [Shall] in the 19 Line of the Said Page insert these words [being Officers of his Majestys Customs—in the Same Line between the [for] and the word [seizing] insert these words [for making Search for any Goods prohibited or for which for (*sic*) his Majestys Dues or Customs have not been paid for]

Ordered, that the Said Bill be Read the third time as Amended.

Then the Said Bill was Read the third time with the Amendments.

Ordered, that Mr William Provoost do Acquaint the House of Representatives that this Board has past the Said Bill with Some Amendments and that he Carry the Said Bill with the Amendments made thereto to the House of Representatives and desire their Concurrence to the Same.

The Bill Entituled, An Act for the fortifying the City of Albany was read the Second time and Committed to the Gentlemen of this Board or any five of them.

The Bill Entituled, An Act for making Bills of Credit and putting the same into the Treasurers hands for Exchanging therewith such Bills of Credit of this Province as are Torn and Defaced was read the Second time and Committed to the Gentlemen of this Board or any five of them.

The Bill Entituled, An Act to Enable the Mayor Aldermen and Commonalty of the city of Albany to Defray the Publick and necessary charges of the said City was read the Second time and Committed to the Gentlemen of the Council or any five of them.

At a Council held at Fort George in New York, July the 23d, 1724.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca,

Capt WALTER, Mr VAN DAM, Mr BARBERIE, Mr HARISON, Doctor COLDEN, Mr WILLIAM PROVOOST.

A Message from the Assembly by Mr Jansen acquainting this Board that they do agree to the Amendments made by this Board to the Bill Entituled, An Act to prevent Boats and other Vessells and the Goods put on Board them from being Interrupted or Molested whilst their navigation [is confined] within this Colony

Mr Barberie Chairman of the Committee to whom was Committed the following Bills vizt The Bill Entituled, An Act for the fortifying the City of Albany. The Bill Entituled, An Act to Enable the Mayor Aldermen and Commonalty of the City of Albany to defray the publick and necessary charges of the said City, and the Bill Entituled, An Act for making Bills of Credit and putting the same into the Treasurers hands for Exchanging therewith such Bills of Credit of this Province as are Torn and Defaced Reported that they had considered of the said Bills and was Ready to make their Report when this Board would please to Receive the same

Ordered, that the said Report be made immediately.

Then Mr Barberie in his place Reported that the Committee had agreed to the said Bills without any amendments.

Ordered, that the said Bills be read the third time.

Then the said Bills were Read the Third time and past without amendments

Ordered, that Mr Barberie do acquaint the House of Representatives that this Board has past the said Bills without amendments

At a Council held at Fort George in New York, July the 24th, 1724.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca,

Capt WALTER,	Mr HARISON,
Mr VAN DAM,	Doctor COLDEN,
Mr BARBERIE,	Mr WILLIAM PROVOOST.

A Message from the Assembly by Coll William Willett acquainting this Board that they had agreed to the Bill Entituled, An Act for Setling and Regulating the Militia in this Province and making the same usefull for the security and Defence thereof with some alterations.

Which Amendments were Read and agreed to by this Board.

Ordered, that Mr Harison do acquaint the House of Representatives that this Board has agreed to the said Amendments.

His Excellency laid before this Board a Resolve of Assembly addressing his Excellency that Lawrence Clausen the Indian Interpreters Salary be augmented from Thirty pounds ℔ annum to sixty pounds ℔ ann. to commence from the 15th day of June Last and that he issue his Warrants to the Treasurer for the same, which being read were approved of and Ordered, Warrants be prepared accordingly.

A Message from the Assembly by Coll Schuyler with the Bill Entituled, An Act for Laying out and clearing Publick Highways in the Precinct of Schohare in the County of Albany and desireing the concurrence of this Board thereto.

Ordered, that the said Bill be read the first time.

Then the said Bill was read the first time and

Ordered, a second reading.

Then the said Bill was read the second time and Committed to the Gentlemen of the Council or any five of them.

His Excellency withdrawing, The Gentlemen of the Council resolved into a Committee

His Excellency returning to the Council Chamber took his place

Then Mr Van Dam Chairman of the Committe to whom was Committed the sd Bill, Reported that they had considered of the said Bill and was ready to make their Report when this Board would please to Receive the same.

Ordered, that the said Report be made immediately.

Then Mr Van Dam in his place reported that the Committee had gone through the said Bill without Amendment.

Ordered, that the said Bill be read the Third time.

Then the said Bill was read the third time and past without Amendment.

Ordered, that Mr Van Dam do acquaint the House of Representatives that this Board has past the said Bill without Amendment.

His Excellency laid before this Board His Majestys Disallowance of An Act to Lay a Duty of two pounds Prime Cost on Every hundred pounds value prime cost of all European Goods imported into this Colony which follows in these Words

At the Court at *St James's* the 30th day of *April*, 1724

PRESENT — The KINGS Most Excellent MAJESTY.

Arch Bishop of Canterbury	Earl Coningby
Lord President	Lord Viscount Townsend
Duke of Kent	Lord Viscount Torrington
Duke of Roxborghe	Lord Bishop of London
Duke of New Castle	Lord Carteret
Earl of Lincoln	Mr Comptroller
Earl of Cadagan	Lieut General of the Ordance (*Sic.*)
	Sr Robert Sutton

WHEREAS by Commission under the Broad Seal of Great Britain the Governour Council and Assembly of his Majestys Colony of New York in America are authorized and Impowered to

make constitute and ordain Laws Statutes and Ordinances for the Publick Peace Welfare and Good Government of the said Colony which Laws Statutes and Ordinances are to be as near as conveniently may be to the Laws and Statutes of this Kingdom and are to be Transmitted to his Majesty for his Royal approbation or disallowance And Whereas in pursuance of the said Powers An Act was passed in the said Colony of New York in December 1720 and hath been Transmitted Entituled as follows viz[t]

An Act to Lay a Duty of Two pound on every hundred pounds value Prime Cost of all European Goods imported into this Colony.

Which Acts together with a Petition of several Merchants Trading to New York against it, having been considered by a Committee of the Lords of his Majestys most honourable Privy Council their Lordships this Day Reported the said Act as unfitt for his Majesty's Royal Approbation

His Majesty taking the same into consideration is thereupon pleased with the advice of his Privy Council to Declare his disallowance of the said Act and pursuant to his Royal pleasure thereupon the said Act is hereby Declared void and of none Effect.

JA: VERNON

Ordered, that M[r] Harison do acquaint the House of Representatives of the same.

At a Council held at Fort George in New York, July y[e] 24th, 1724.

Post Meridiem.

PRESENTIBUS— *Eisdem.*

Ordered, that the Deputy Clerk of the Council do acquaint the House of Representatives that his Excellency requires their immediate Attendance at the Council Chamber.

The Assembly attending accordingly with their Speaker his Excellency gave his Assent to the following Acts. Viz[t]

1st An Act for Raising and Levying the sum of Six Thousand Six hundred and Thirty pounds for the Supplying the Deficiencies of his Majestys Revenue and for the several uses and purposes therein mentioned and for making Bills of Credit to be issued for that value

2[d] An Act for setling and Regulating the Militia in this Province and making the same usefull for the Security and Defence thereof and for repealing all other Acts relating to the same

3 An Act for continueing the Acts made for prohibiting the selling of Indian Goods to the French with some alterations

4 An Act for making Bills of Credit and putting the same into the Treasurers hands for Exchanging therewith such Bills of Credit of this Province as are Torne and Defaced.

5th An Act to prevent Tenants of all kind from committing Waste and Trespasses on Lands in their Tenure or possession and for punishing all such other persons as by Water or Land shall aid or abet therein and for preventing Diverse other Enormities Exceeding hurtfull to the growing Settlements and Plantations in the Countys of Orange and Ulster and for Laying out and maintaining a High road within the same

6th An Act to prevent Boats and other Vessells and the goods put on Board of them from being nterrupted or molested whilst their Navigation is Confined within this Colony

7th An Act for the fortifying the City of Albany.

8th An Act to Enable the Mayor Aldermen and Commonalty of the City of Albany to Defray the Publick and Necessary charges of the said City.

9th An Act to prevent Damages by Swine in Dutchess County and in the mannor of Livingston and in that Precinct of the mannor of Renselaerswick called Claverack in the County of Albany.

10th An Act for Laying out and Clearing Publick Highways in the Precinct of Schohare in the County of Albany

11th An Act for paying Gerrit Vanhorne, David Provoost, Johannes Jansen, and Jacobus Kip Esq[rs] for serving in General Assembly.

12th An Act to Enable the Justices of the Peace in Queens County to Finish and Compleat the Goal and Court house already Erected in the said County.

13th An Act for the further Laying out and regulating the better clearing Highways in the County of Suffolk

14th An Act to oblige the Collectors and Treasurers of Richmond County effectually to collect and pay the Annual rate of the said County

15th An Act for Naturalizing Frans: Vandenberg Harmanus Simonis, Johannes Glundorff, Peter Felinck Francis Clerembault, Jean Claudis, and Johan Phillip Lenningbecker.

16th An Act for to prohibit all persons but Susanna Parmyter Widow and her Assignes to make Lampblack during the space of Ten years

Then his Excellency desired the Assembly to adjourn themselves till the first Tuesday of October next.

[N. Y. Col. MSS., LXVI., 131.]

By his Excellency

WILLIAM BURNET, Esqr Captain General and Governour in Chief of the Provinces of (L. S.) New York New Jersey, and Territories thereon Depending in *America*, and Vice Admiral of the same, &ca.

A PROCLAMATION

WHEREAS the General Assembly of the Province of New York stands adjourned to the first Tuesday of October next I have thought fitt for his Majesty's Service and by Virtue of the powers and Authoritys to me given by his Majesty's Letters Patents under the Great Seal of *Great Britain* further to Adjourn the said General Assembly untill the *first Tuesday* of *March* next and I do hereby accordingly Adjourn the said General Assembly untill the *first Tuesday* of *March* next of which all his Majestys Subjects are to take Notice and Govern themselves accordingly.

Given under my hand and Seal at Arms at Fort George in New York the *fifth* day of *September* in the Eleventh year of his Majestys Reign Annoq Domini 1724

W BURNET

By his Excellencys Command
Is Bobin, *D Sécry*

God save the KING.

SEVENTEENTH ASSEMBLY FOURTEENTH SESSION.

At a Council held at Fort George in Newyork, Septemr ye 2d, 1725.

Present — *His Excellency* William Burnet, Esqr, &ca,

Capt Walter,
Mr Van Dam,
Mr Barberie,
Doctor Colden,
Mr Alexander.

Ordered, that Mr Van Dam, Mr Barberie, and Doctor Colden be a select Committee to Join a Committee of the Assembly in Examining the Accounts of Coll David Provoost late Tonnage Officer.

Ordered, that Mr Bobin the Deputy Clerk of the Council do Acquaint the Assembly that this Board desires them to appoint a Committee of that House to Join a Committee of this Board for that purpose at the House of Mr Bonticow in this City at ffour in the affternoon on Thursday come seven night.

At a Council held at Fort George in Newyork, Septem^r the 15th, 1725.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr; &c^a,

Capt WALTER,
M^r VAN DAM,
Mr BARBERIE,
Mr HARISON,
Doctor COLDEN,
Mr MORRIS, Junr,
Mr WILLIAM PROVOOST.

Ordered, that the Deputy Clerk of the Council do acquaint the House of Representatives that his Excelleucy desires their immediate attendance at the Council Chamber

The Assembly accordingly attending with their Speaker his Excellency made to them a Speech in *Hæc Verba*.

Gentlemen,

I cannot but look back with Pleasure on your Conduct ever since I have had the happiness to be among you.

Your readiness to Support the Government in an honourable manner, your Repeated endeavours to prevent the Growth of the ffrench Power and to Strengthen the British Interest among the Indians and your Seasonable Supplys for the Repairs of his Mātys fforts will always be remembred to the honour of this Assembly, If you have sometimes met with opposition it has had little other Effect then to Justifye your Proceedings A late Instance of this kind has appeared in the unwearied and I wish I could not say Indirect methods taken by the Merchants to defeat your Acts against the Trade with Canada but by the Diligence and ability of your Agents the Justice of your Laws has been so well Represented that the success has been in your favour.

It is now more and more Evident every year of how great advantage these Laws have been to the Trade and Security of this Province.

The Quantity of Peltry brought from the Country of the Five Nations during this Summer has far Exceeded our Expectations and is more then what used to come from Canada and the Far Indians from the Lakes have as I am Informed all stopped at our Trading places and none of them proceeded to Monreall as they used to do. I am Confident that Surprising Success and good Effect of this new Trade and the applause it has met with in Great Britain will Engage you to take Effectual Measures to Encourage it by renewing and Enforcing the prohibition of that pernicious Trade of Indian Goods to Canada and by providing amply for the charges necessary to keep the Indians ffaithfull to us, To this End it will be Requisite that some fit persons be appointed constantly to reside among the Onnondages as well as the Sinnekas who may be always ready to defeat the Acts which the French industrously imploy to seduce those Indians. I have begun with this Subject and Dwelt the Longer upon it because it highly Concerns your Safety.

The Revenue for the Support of this Government is near its Expiration I depend on your own Observation and Experience to plead with you for as Ample and Extensive a provision for the time to Come.

Where Actions ought to Speak words should not be offered, I shall only recommend the Officers of the Government to your Care who in doing their Duty are often Lyable to private resentments and are on that Account Entituled to protection as well as Subsistance from the Legislature and without a Sufficient number of Officers the administration Cannot be Carryed on and the Laws must loose their Force.

The Provision you have already made for renewing the Decayed Buildings of the Fort will I believe appear to you to have been ffrugally and Effectually Imployed and I depend on your Coming to a Resolution that So good a design shall not ffail of what is Still wanting to Compleat it.

I Cannot Acquaint you with a Further Instance besides what I have mentioned of the Diligence of your Agents in the Service of the Province and particularly for the benefit of this City and that is the Soliciting by my directions and obtaining the East End of Long Island to be restored to the District of the Collector of New York.

You Cannot desire more Convincing Proofs of the Usefullness of having Such Agents and therefore I rely on your making good your fformer Engagements to them and on your giving them marks of your Esteem and Confidence in Continuing their appointment for a Longer time than you have hitherto done and providing Suitably for their payment.

I have now gone thro' the Several Particulars which I had to Lay before you and I shall only add this General Consideration to Enforce them all.

That at this time the happy Agreement that has always Subsisted between his Majesty and his parliament Ever since his Accession to the Crown is the Admiration of all Europe and the Glory of the British Nation I am perswaded you will do your part in ffollowing so great an Example and that you will regard what I propose to you only as it Tends to his Majestys Service.

At a Council held at Fort George in New York, Septem^r ye 29th, 1725.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c^a,

Capt WALTER,
M^r VAN DAM,
Mr HARISON,
Doctor COLDEN,
Mr ALEXANDER,
Mr WILLIAM PROVOOST.

The Report of the Gentlemen of the Committee appointed to Join a Committee of the Assembly to Examine the Accounts of Coll. David Provoost the Late Tonnage Officer deceased that they have according to order in Conjunction with a Committee of the Assembly Examined the Said Accounts of the Dutys of Tonnage and Negros, from the 15th of June 1714 to the 16th of December 1724 and Compared the Same with the Books of Accounts of the said David Provoost and Treasurers Receipts for the Sums paid to the Treasurer and find by the Said Accounts that the Amount of Duty during the Same time amounts to nine Thousand Six hundred ninety nine pounds and ffive shillings including the outstanding Debts, And that the Amount of the money paid to the Treasurer and the Said Officers Salary Amounts to nine Thousand two hundred and Seven pounds Eighteen Shillings and eleven pence from which accounts it appears that the Ballance in Favour of the Government amounts to Four hundred Twenty one Pounds Six Shillings and one penny of which Sum the Exectors of the said David Provoost have given in an account of Two hundred Forty Eight Pounds ffifteen Shillings and nine pence Debts outstanding Whether all these Debts be really due from the partys charged with them or they be Solvent they have not Enquired but referr the Same to this Board, for such orders as this Board Shall think proper to make thereupon

The Committee also find a charge in the said Coll David Provoosts Books of Twenty three pounds Eight Shillings and six pence for a Journey of the said Tonnage Officer to the East End of Long Island for Collecting the Dutys of several Negros Landed there, which they think reasonable to be allowed to the Executors of the said David Provoost though not charged in the said General account.

Which was read and agreed to by the Board.

Ordered, that the Executors of the said Coll David Provoost deceased do lay before this Board An Account of the Debts due on the Duty of Tonnage of Vessells and Slaves and the Book or Books in which the same are Entred

At a Council held at Fort George in Newyork, October the 14th, 1724 (sic)

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c^a.,

Capt WALTER,
M^r VAN DAM,
Mr BARBERIE,
Mr HARISON,
Doctor COLDEN,
Mr ALEXANDER,
Mr ABRAHAM VAN HORNE.

Then Capt Walter and Mr Harison withdrew.

A Message from the Assembly by Mr Beekman with the Bill Entituled, An Act appointing Commissioners to Let to Farm the Excise of Strong Liquors in the Citys and Countys in this Colony and desiring the concurrence of this Board thereto.

Ordered, that the said Bill be read the First time

Then the said Bill was read the First time and

Ordered a second reading.

A Message from the Assembly by Captain Jansen with the Bill Entituled, An Act for the Dischargeing a certain Recognizance Entred into by Goosen Vanschaick late of the City of Albany deceased. And desiring the Concurrence of this Board thereto.

Ordered, that the said Bill be read the First time.

Then the said Bill was read the First time and

Ordered a second reading

At a Council held at Fort George in New York, October the 19th, 1725.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca.,

Mr VAN DAM,
Mr BARBERIE,
Mr HARISON,
Doctor COLDEN,
Mr ABRAHAM VAN HORNE,
Mr PHILIP LIVINGSTON.

The Bill Entituled, An Act appointing Commissioners to Let to ffarm the Excise of Strong Liquors in the Citys and Countys in this Colony, Was read the second time and Committed to the Gentlemen of this Board or any ffive of them.

The Bill Entituled, An Act For the discharging a certain Recognizance Entred into by Goose Vanschaick late of the City of Albany Was read the second time and Committed to the Gentlemen of this Board or any five of them.

At a Council held at Fort George in New York, October the 27th, 1725.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca.,

Capt WALTER,
Mr VAN DAM,
Mr HARISON,
Mr ALEXANDER.

Ordered, that the Deputy Secretary do acquaint the House of Representatives that his Excellency requires their immediate attendance at the Council Chamber.

The Assembly attending accordingly with their Speaker his Excellency made a Speech to them in *Hæc Verba*.

Gentlemen,

I have put an End to the Last Session that I might have a ffresh opportunity of recommending to you to Provide as Honourable and Ample a Supply for the Support of this Government and for as Long a Term as was Established upon my arrival.

It has not been Pretended that any Inconveniency has arisen from the Confidence you then Exprest in the Administration and therefore I cannot in Duty to his Majesty and in Justice to my own Conduct agree to a Less Sufficient Provision or for a Shorter Term.

The administration of Justice will require the same Encouragement and the Collection of the Revenue the same Officers; without such necessary Precautions there will be great deficiencys and the Burthen must at Last fall upon the Land.

If there are any Laws formerly Passed in this Province which you are desirous to have now Confirmed by his Majesty the Agents only want your Instructions to sollicit for them and I shall very readily Join my hearty Endeavours to obtain whatever will be to your satisfaction.

I have Exprest my Self fully as to all other matters in my Last Speech to which I referr and I desire you to take it again into your Consideration and to proceed with that dispatch which the Season of the year requires.

At a Council held at Fort George in New York, Novemr ye 2d, 1725.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca,

Capt WALTER,
Mr VAN DAM,
Mr BARBERIE,
Mr HARISON,
Doctor COLDEN,
Mr ALEXANDER,
Mr MORRIS, Junr,
Mr PH: LIVINGSTON.

A Message from the Assembly by Mr Beekman with the Bill Entituled, An Act appointing Commrs to Let to ffarm the Excise of Strong Liquors in the Citys and Countys in this Colony and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read the ffirst time

Then the said Bill was Read the ffirst time and

Ordered a second reading

A Message from the Assembly by Alderman Kip with the Bill Entituled, An Act for continuing Bills of Credit struck and Issued in the year one Thousand seven hundred and Twenty to the value of ffive Thousand ounces of plate to be current untill the ffirst day of July which will be in the year one Thousand seven hundred and Twenty seven and desiring the Concurrence of this Board thereto.

Ordered, that the said Bill be read the ffirst time
Then the said Bill was read the ffirst time and
Ordered a second reading.

A Message from the Assembly by Mr Jansen with the Bill Entituled, An Act for the Discharging a certain Recognizance Entered into by Goosen Vanschaick late of the City of Albany deceased and Desiring the Concurrence of this Board thereto

Ordered, that the said Bill be read the ffirst time.
Then the said Bill was read the ffirst time and
Ordered a second reading

At a Council held at Fort George in New York, Novem^r the 4th, 1725.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c^a,

Capt WALTER,
Mr CLARKE,
Mr BARBERIE,
Mr HARISON,
Doctor COLDEN,
Mr ALEXANDER,
Mr MORRIS Junr,
Mr ABR. VAN HORNE.

The Bill Entituled, An Act appointing Comm^rs to Let to ffarm the Excise of Strong Liquors in the Citys and Countys in this Colony Was read the Second time and Committed to the Gentlemen of this Board or any ffive of them

The Bill Entituled, An Act for Continuing Bills of Credit struck and Issued in the year One Thousand Seven hundred and Twenty to the Value of ffive Thousand Ounces of plate to be Current untill the ffirst day of July which will be in the year of our Lord One Thousand Seven hundred and Twenty Seven Was read the Second time and Committed to the Gentlemen of this Board or any ffive of them

The Bill Entituled, An Act for Discharging a certain Recognizance Entred into by Goosen Vanschaick late of the City of Albany deceased Was read the Second time and Committed to the Gentlemen of this Board or any ffive of them

His Excellency withdrawing The Gentlemen Resolved into a Committee.

Post Meridiem

PRESENT as before

Mr Barberie Chairman of the Committee to whom was Committed the Bill Entituled the ffollowing Bills Viz^t An Act appointing Comm^rs to Let to ffarm the Excise of Strong Liquors in the Citys and Countys in this Colony. A Bill Entituled, An Act for Continuing Bills of Credit Struck and Issued in the year One Thousand Seven hundred Twenty to the Value of ffive thousand Ounces of plate to be Current untill the ffirst day of July which will be in the year One Thousand Seven hundred and Twenty Seven And the Bill Entituled, An Act for discharging a Certain Recognizance Entred into by Goosen Vanschaick late of the City of Albany deceased, Acquainted the Board that the Committee had Considered of the Said Bills and were ready to make their Report when this Board would please to receive the Same.

Ordered, that the Said Report be made Immediatly

Then Mr Barberie in his place Reported that the Said Committee had gone thro' the Said Bills without any Amendments.

Ordered, that the Said Bills be read the third time
Then the Said Bills was read the third time
Ordered, that the Said Bills do pass without Amendments.
Ordered, that Mr Barberie do Acquaint the house of Representatives that this Board has past the Said Bills without Amendments.

At a Council held at Fort George in New York, Novem^r ye 8th, 1725.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c^a,

Mr BARBERIE,
Mr CLARKE,
Mr HARISON,
Doctor COLDEN,
Mr ALEXANDER,
Mr MORRIS, Junr,
Mr ABRAH: VAN HORNE.

A Message from the Assembly with the Bill Entituled, An Act to Revive and Continue the Several Acts therein mentioned relating to the prohibiting of Selling Indian Goods to the

ffrench and for promoting the Trade with the Remote Nations of Indians during the time thereinmentioned and for the Recovery of Such penaltys as are directed by the Said Acts and desiring the Concurrence of this Board thereto.

Ordered, that the Said Bill be read the ffirst time

Then the Said Bill was read the ffirst time and

Ordered a Second reading.

At a Council held at Fort George in New York, November the 9th, 1725.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca,

Capt WALTER,
Mr VAN DAM,
Mr BARBERIE,
Doctor COLDEN,
Mr ABRAH: VAN HORNE.

The Bill Entituled, An Act to Revive and Continue the Several Acts thereinmentioned relating to the prohibiting of Selling Indians to the ffrench and for promoting the Trade with the Remote Nations of Indians during the time thereinmentioned and for the Recovery of Such penaltys as are directed by the Said Acts.

Ordered, that the Said Bill be read the Second time.

Then the Said Bill was read the Second time and Committed to the Gentlemen of this Board or any ffive of them.

His Excellency withdrawing The Gentlemen Resolved into a Committee

Post Meridiem

PRESENT as Before

Mr Vanhorne Chairman of the Committee to whom the said Bill was Committed acquainted the Board that the Committee had considered of the said Bill and was ready to make their Report when this Board would please to receive the same.

Ordered, that the said Report be made Immediately.

Then Mr Vanhorne in his place reported that the said Committee had gone thro' the the said Bills without any Amendments

Ordered, that the said Bill be read the third time.

Then the said Bill was read the third time and past without Amendmts.

Ordered, that Mr Vanhorne do acquaint the House of Representatives that this Board has past the said Bills without any Amendments.

At a Council held at Fort George in Newyork, Novemr ye 10th, 1725.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca.,

Capt WALTER,
Mr VAN DAM,
Mr BARBERIE,
Mr HARISON,
Doctor COLDEN,
Mr ABRA VAN HORNE.

Ordered, that the Deputy Clerk of the Council do acquaint the House of Representatives that his Excellency requires their immediate attendance at the Council Chamber.

The Assembly accordingly Attending with their Speaker his Excellency gave his Assent to the ffollowing Acts Enacting the same and Ordered them to be Enrolled viz

1st An Act appointing Commrs to Let to ffarm the Excise of Strong Liquors in the Citys and Countys in this Colony.

2d An Act for Continuing Bills of Credit struck and Issued in the year One Thousand seven hundred and Twenty to the Value of ffive Thousand Ounces of plate to be Current untill the ffirst day of July which will be in the year One Thousand seven hundred & Twenty seven.

3d An Act to Revive and Continue the several Acts thereinmentioned relating to the prohibiting of selling Indian Goods to the ffrench and for promoting the Trade with the Remote nations of Indians during the time thereinmentioned and for the Recovery of such penaltys as are Directed by the said Acts.

4th An Act for Discharging a Certain Recognizance Entred into by Gosen Vanschaick late of the City of Albany deceased

Then his Excellency desired the Assembly to adjourn themselves to the second Tuesday of March next.

[N. Y. Col. MSS. LXVII., 94.]

By his Excellency

WILLIAM BURNET Esqr Captain General and Governour in Chief of the Provinces of
(L. S.) New-York New-Jersey and Territories thereon Depending in *America* and Vice Admiral of the Same &c^a.

A PROCLAMATION.

Whereas the General Assembly of the Province of New-York stands Adjourned to the second Tuesday of March next, I have thought fit for his Majestys Service, and by Virtue of the Powers and Authoritys to me given by his Majesty's Letters Patents under the Great Seal of *Great-Britain* further to Adjourn the said General Assembly until the *first Tuesday* of *April* next to come, And I do hereby accordingly adjourn the said General Assembly until the *first Tuesday* of *April* next to come, of which all his Majestys Subjects are to take Notice and Govern themselves accordingly.

Given under my hand and seal at arms at Fort George in *New York* the *twenty second* day of *January* in the twellth year of his Majestys Reign Annoq Domini 172$\frac{5}{6}$

By his Excellencys Command W. BURNET
Is Bobin *D Sēcry*

God save the KING

SEVENTEENTH ASSEMBLY FIFTEENTH SESSION.

At a Council held at Fort George in New York, April the 6th, 1726.

Present — *His Excellency* William Burnet, Esqr, &c^a,

Capt Walter, Mr Harison,
Mr Van Dam, Mr Abr. Van Horne.
Mr Barberie,

Ordered, that the Deputy Clerk of the Council do acquaint the House of Representatives that his Excellency requires their Immediate attendance at the Council Chamber.

The Assembly accordingly attending with their Speaker his Excell^y made a Speech to them in *Hæc Verba*

Gentlemen,

I can never begin with a Subject more worthy of your attention than the admirable effects of the uninterrupted Harmony that Subsists between our most gracious Soveraign and his parliament Our Enemys have had no other hopes but from their unwearied artifices and even popular pretences to weaken this mutual Confidence, but without effect, and this happy union it is that renders Great Britain, a pattron to all Europe in time of peace and lodges the Ballance of power in its hands in case of a Warr.

Tho' you cannot Equall his Majestys Subjects at home in ability to serve him yet I am perswaded that you will not yeild to any in Loyalty and Inclination

The great and Constant Charge at which Great Britain Maintains fforces for the Defence of this province in a more Eminent manner than any of the Neighbouring Provinces partake of as it is a very Distinguishing mark of his Majestys Royal Care so it calls upon you to make the most natural returns for so singular a favour by Providing Honourably and amply for the Support of his Government here, and since the sums which you have usually raised for that purpose have not amounted to any thing near to so much as those Issued from Great Britain for your security, It should Induce you rather to think of Encreasing than Lessening your Supply and rather of Extending than of Shortening the time of its Continuance and as no Occasion has been given to alter your former good opinion of the administration, I have reason to depend on

your providing in the most hearty and Effectuall manner for the Support of it, in all its Branches.

I wish I could say the Laws for promoting a Trade with the far Indians and prohibiting it with Canada had been as duly Executed as they were well Intended and I leave it to your Consideration whether a method less severe may not be more Effectuall.

The great success we have already had in the Trade upon the River of Onnondage and the Noble spirit that animates the people to go on with it gives us Encouragement to Leave no means untryed to Establish and Encrease it.

The only danger we have to apprehend is from the unwearied artifices of the Inhabitants of Canada among our Indians to alienate their affections and particularly to Interrupt this Trade which has put them in great consternation because it is so sure a means to Strengthen our Interest and to weaken theirs with all the Nations of North America

I am sorry to Inform you that they have taken great advantage this Winter of the want of proper persons from this Government resideing among the Onnondagas and Sinnecas & have Instilled groundless fears into the minds of the five Nations of Dangers that may arise to them by this open trade with the ffar Indians which I have done my utmost Endeavour to remove but I am convinced that the most Effectual means to keep them steady will be your Enabling me to maintain a sufficient Number of fflit persons Constantly among them as I have formerly done with good success.

If I am Earnest with you on this head it is your safety & that of your posterity that makes me so ; all that I desire of you is not to be Wanting to your Selves. Your agent who is Ever watchfull in what relates to your Interest has acquainted me by the first opportunity he had that some application had been made at home to your disadvantage which I will communicate to you,

This with many other Instances of his Ability and Diligence will I doubt not Confirm you in the Resolution taken in your last sessions upon that head

I have received a Letter from the Governour of Connecticut about Finishing the partition Line which I will Lay before you that you make provision for so necessary a work.

I need now only remind you that the repairs of the building in the ffort stand in need of your Immediate care that the season proper to fflinish them may not be Lost.

I have no greater pleasure than in Contributeing to the publick service and if there are any new Laws wanting to that End or any former Laws that you are desirous to have recommended for his Majestys Confirmation you may depend on my readiness and zeal to Join with you in that or anything Else that can make this Province happy and fflourishing.

At a Council held at Fort George in Newyork, April the 15th, 1726.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr,

Capt WALTER,	Mr. HARISON,
Mr. VAN DAM,	Doctor COLDEN,
Mr BARBERIE,	Mr ALEXANDER.

The Assembly attending with their Speaker made an Address to his Excellency in these words

To his Excellency WILLIAM BURNET Esqr Capt General & Governour in Chief of the Provinces of New York, New Jersey and Territories thereon Depending in America and Vice Admiral of the same &ca

The humble ADDRESS of the General Assembly for the Colony of New York

May it please yor Excellency,

We his Majestys Loyal and Dutifull Subjects the General Assembly of this his Colony of New York return your Excellency our hearty thanks for your kind & obliging Speech to us

We observe with pleasure that Constant Harmony which subsists between his Majesty and his British parliament and hope all Endeavours to Lessen that Mutual Confidence will always prove ineffectual and all attempts of the Enemys of the publick peace vain.

Our Inclinations to save and promote the Interest of his Majesty (The Best of Princes) are as strong as those of any of his Subjects, tho' our Ability are not Equally sufficient but these shall be Exerted to the utmost of our power by providing an Honourable Support for his Government here, in such manner as shall be most suitable to the Circumstances of this Colony.

The other matters recommended by your Excellency shall in the course of our proceedings have their due weight and our Endeavours shall not be wanting for the publick service

By order of the Genll Assembly

Die Ven 15th *April*, 1726 AD PHILIPSE Speaker

G Ludlow Cl :

Then his Excellency made the following answer in these words

Gentlemen,

I heartily thank you for this Affectionate Address I will not neglect this opportunity to acquaint you that a Report has been spread about the Country that the money to be raised for the Support of Government is to be applyed to my Private use and in case of my death or Removal to go to my Executors which if it should happen would put the Government to a double Expence. As you know that this is Intirely false and groundless, I depend on your Joining with me on all proper Occasions to undeceive those that may be deluded by it

W Burnet

At a Council held at Fort George in Newyork, April the 20th, 1726.

Present — *His Excellency* William Burnet, Esqr, &ca,

Mr Van Dam,
Mr Barberie,
Mr Harison,
Doctor Colden,
Mr Alexander.

A Message from the Assembly by Alderman Kip with the Bill Entituled, An Act to Enable Lewis Hector Piot DeLangloiserie, to the Sole Fishery of Porpoises in the Province of Newyork during the Term of Ten years and desireing the Concurrence of this Board thereto.

Ordered, that the Said Bill be read the first time

Then the Said Bill was read the first time and

Ordered a Second reading

At a Council held at Fort George in Newyork, April the 21st, 1726.

Present — *His Excellency* William Burnet, Esqr,

Capt Walter,
Mr Barberie,
Mr Harison,
Doctor Colden,
Mr Alexander.

The Bill Intitled, An Act to Intitle Lewis Hector Piot De Langloserie to the Sole Fishery of Porpoises in the province of Newyork, was read the Second time, and the petitioner for the Bill having this day obtained his Majestys Lycense and Grant of the Said flishery under the Great Seal of this province

Ordered, that it be Committed to the Gentlemen of this Board or any five of them

His Excelly withdrawing The Gentlemen of the Board Resolved into a Committee.

His Excelly returning to the Council Chamber took his place.

Then Mr Alexander Reported from the Committee to whom was Committed the Bill Entituled, An Act to Intitle Lewis Hector Piot De Langloiserie to the Sole Fishery of Porpoises in the Province of Newyork during the Term of Ten Years, that the Committee had Considered of the Said Bills and Was ready to make their Report when this Board would please to receive the Same.

Ordered, that the Said Report be made Immediately

Then Mr Alexander in his place Reported that the Committee had gone through the Said Bill and Agreed to the Same without Amendmts

Ordered, that Mr Alexander do Acquaint the House of Representatives that this Board has past the Said Bill without any Amendmts

At a Council held at Fort George in New York, April the 28th, 1726.

Present — *His Excellency* William Burnet, Esqr,

Capt Walter,
Mr Van Dam,
Mr Barberie,
Mr Harison,
Doctor Colden,
Mr Abrail. Van Horne.

A Message from the Assembly by Mr Hutchinson with the Bill Entituled, An Act to Continue An Act Entituled, An Act for the further laying out Regulating and better Clearing publick

highways in the County of Suffolk for the time thereinmentioned & desireing the concurrence of this Board thereto.

Ordered, that the said Bill be read the first time

Then the said Bill was read the first time and

Ordered a second reading

The Bill Entituled, An Act to Continue An Act Entituled, An Act for the further laying out, Regulating and better clearing publick highways in the County of Suffolk for the time thereinmentioned Was read the Second time and committed to the Gentlemen of the Board or any five of them

At a Council held at Fort George in New York, May the 18th, 1726.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr,

Capt WALTER, Mr VAN DAM, Mr BARBERIE, Mr HARISON, Doctor COLDEN.

A Message from the Assembly by Coll. Hicks with the Bill Entituled, An Act for the Encouraging of the returning of Neat Cattle and Sheep to their owners and desireing the concurrence of this Board thereto

Ordered, that the said Bill be read the first time

Then the said Bill was read the first time and

Ordered a second reading

A Message from the Assembly by Capt Hicks with the Bill Entituled, An Act for reviving and continuing An Act to prevent Small Stallions runing at large and to geld all horses under the size thereinmentioned and desireing the concurrence of this Board thereto.

Ordered, that the said Bill be read the first time

Then the said Bill was read the first time and

Ordered a second reading

A Message from the Assembly by Mr Beekman with the Bill Entituled, An Act for the further continuing An Act Entituled, An Act for the Encouraging of Whaleing and desireing the concurrence of this Board thereto.

Ordered, that the said Bill be read the first time

Then the said Bill was read the first time and

Ordered a second reading

Post Meridiem

PRESENT as before

The Bill Entituled, An Act for reviving An Act Entituled, An Act for Encouraging the returning of Neat Cattle and Sheep to their Owners, was read the Second time and committed to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act for reviving An Act Entituled, An Act to prevent Small Stallions runing at large and to geld all horses under the size thereinmentioned, was read the Second time and committed to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act for the further continueing An Act Entituled, An Act for the Encouragement of Whaleing, was read the Second time and committed to the Gentlemen of this Board or any five of them

At a Council held at Fort George in New York, the 23d *day of May*, 1726.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr,

Capt WALTER, Mr. VAN DAM, Mr BARBERIE, Mr CLARKE, Mr HARISON, Doctor COLDEN.

Mr Barberie in his place Reported from the Committee to whom was Committed the three following Bills viz the Bill Entituled, An Act to Continue an Act Entituled, An Act for the further Laying out regulating and better clearing publick highways in the County of Suffolk for the time thereinmentioned The Bill Entituled, An Act for reviveing An Act Entituled, An Act for Encourageing the returning of neat Cattle and Sheep to their owners and An Act for the

Encouragmt of Whaling, that they had considered of the said three Bills and was ready to make their Report when this Board would please to receive the same.

Ordered, that the said Report be made Immediately

Then Mr Barberie in his place reported that the said Committee had gone thro' the said Bills & agreed to the same without Amendments

Ordered, that the said Bills be read the third time

Then the said Bills was read the third time

Ordered, that the said Bills do pass without Amendments

Ordered, that Mr Barberie do acquaint the House of Representatives that this Board has past the said Bills without Amendments.

Mr Barberie in his place likewise Reported from the said Committee that they had gone through the Bill Entituled, An Act for reviveing An Act to prevent small Stallions runing at Large and to geld all horses under the size thereinmentioned, that they had gone thro' the said Bill and made the following additions thereto vizt After the word—mentioned in the title of the said Bill add these words [and for Continueing An Act Entituled, An Act to prevent Tenants of all kinds from committing Waste and Trespasses on Lands in their Tenure or possession and for punishing all such other persons as by Water or Land shall aid and abet therein and for preventing diverse other Enormitys exceeding hurtfull to the growing settlements and plantations in the Countys of Orange and Ulster & for Laying out and maintaining a high road within the same

Between the word [ffore] and the word [ffrom] in the 9th Line add these words [as likewise one other Act Entituled, An Act to prevent Tenants of all kinds from committing waste and Trespasses on Lands in their Tenure or Possession and for punishing all such other persons as by Water or Land shall aid and abet therein and for preventing diverse other Enormities Exceeding hurtfull to the growing settlements and plantations in the Countys of Orange and Ulster and for Laying out and maintaining a high road within the same, passed the twenty fourth day of July in the year of our Lord One Thousand seven hundred and Twenty four and in the tenth year of the reign of his Maty King George shall continue in ffore.

Ordered, that the said Bill be read the third time with the additions made thereto.

Then the said Bill with the additions made thereto was read the third time and agreed to by the Board.

Ordered, that Mr Barberie do carry the said Bill with the additions made thereto to the House of Representatives and desire their concurrence to the same.

A Message from the Assembly by the Mayors of Newyork and Albany with the Bill Entituled, An Act granting to his Majesty the Dutys and Taxes thereinmentioned for supporting his Governmt in the Colony of Newyork from the first day of July 1726 to the first day of July 1729 and desireing the concurrence of this Board thereto.

Ordered, that the Said Bill be read the first time

Then the Said Bill was read the ffirst time And

Ordered a Second reading

At a Council held at Fort George in New York, May the 24th, 1726.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca,

Capt WALTER, Mr HARISON,
Mr BARBERIE, Doctor COLDEN.
Mr CLARKE,

The Bill Entituled, An Act granting to his Majesty the Dutys & Taxes thereinmentioned for Supporting his Government in the Colony of Newyork from the 1st day of July 1726 to the 1st day of July 1729, was read the Second time and Committed to the Gentlemen of this Board or any five of them

The Petition of Walter Dongan Surviving Kinsman of Thomas late Earl of Lymerick Seting forth that Intending to Apply for An Act of General Assembly of this province to dispose of Some parts of Certain Lands in the County of Richmond and Queens County as well for the Discharge of Incumbrances wherewith the Same Lands now Stand Charged as for payment of his Debts and the Debts of his Deceased brother Thomas Dongan and that he had in pursuance of An Instruction from the Regency in his Majestys Name to his Excellency dated at Whitehall the 23d day of July 1723 given due notice of his Intentions to apply for Such an Act Therefore prays that the Said Notifications & Affidavits by which it will appear that he hath fully Complyed with the Said Instruction may be read, and that his Excellency may be Induced to give his Assent to a Bill to be brought into the honble House of Representatives for the Ends Aforesaid, Was read, as likewise the Notifications and Affidavits thereupon which follow in these words:

ADVERTISEMENT

This is to Give Notice that Walter Dongan of this County of Richmond Intends to apply to the honourable House of Representatives of this province of New York for An Act of Assembly of this province to inable him the Said Walter to Sell Some parts of Certain Lands in this County and other parts of this province formerly belonging to the late Earl of Lymerick and by him in his Life time Setled in tail male Jointly upon John and Thomas Dongan in their Lifes and the Said Walter With Cross remainders to the Longest Liver of them &c^a Whereof all manner of persons any ways Concerned are hereby desired to take notice

WALT^r DONGAN

Richmond County
March the 22^d 172$\frac{5}{6}$

RICHMOND COUNTY *ss: May the* 21st 1726

Then appeared before me Vincent Fountain Esqr One of his Majestys Justices of the Peace for the Said County John Doyle of full age who being Deposed on the holy Evangelists of Almighty God Sayth that the within Writing is a true and Exact Copy and that two Several Advertisements or Notifications each of which being Exactly answerable and agreable to the Said Copy were Sett up and affixed at the request of the within named Walter Dongan by this Deponent at the Severall Churches here named, that is to Say at the parish Church of St Andrew and at the Dutch Church both within this County and this Deponent likewise Sayth that he Set up and Affixed one other advertisement at the ffrench Church in this County also, Exactly agreable to the Said within Copy Excepting only that instead of those words in the Copy Viz^t (in this County and other parts of this province) in the Sixth and Seventh Lines thereof, these words were inserted in the Said Advertisement, Set up at the ffrench Church vizt [in this County of Richmond and in Queens County upon Long Island in Said province] and further this Deponent Sayth that he See on three Severall Sundays Successively now past the three Severall Notifications or advertisements aforesaid at the said Several Churches So Set up and affixed there by him as aforesaid and further this Deponent Sayth not

JN^o DOYLE

Jurat Coram me
Anno, Dicq Supra Dictis
Vincent Fountain

ADVERTISEMENT

Walter Dongan of the County of Richmond Intends to apply to the honourable House of Representatives of this province to Inable him the said Walter to sell some parts of certain Lands in this County and other parts of this province formerly belonging to the Late Earl of Lymerick and by him in his Life time setled in tail mail Jointly upon John and Thomas Dongan in their Lives and the said Walter with cross remainders to the Longest Liver of them &c^a whereof all manner of persons any ways concerned are hereby desired to take notice

WALTER DONGAN

Queens County
March the 22^d 172$\frac{5}{6}$

Queens County May the 20th 1726

Then appeared before me Isaac Hicks Esqr one of his Majestys Justices of the peace for the said County Richard Comes of full age who maketh oath and sayth that within writing is a true copy and that three several advertisements or notifications each of which being truly answerable and agreable to the said Copy were set up and affixed at the request of the within mentioned Walter Dongan by this Deponent at three severall parish churches here mentioned (that is to say) at Hempstead church at fllushing church and at the church of Jamaica all within this County and further this Deponent sayth that he has seen and read three severall Sundays successively now past the said three several notifications at the said churches so set up there as aforesaid and further sayth not

RICHARD COMES

Jurat Coram me
Anno Dicque Sup Dictis
Isaac Hicks

Mr John Doyle being called in did declare upon Oath before the Board that three several advertisements or notifications each of which being exactly answerable and agreable in substance to the Copy now shewn him were set up and affixed at the request of the aforesaid Walter Dongan by the Deponent at the several churches as set forth in his affidavit and that he had seen the said severall advertisements three Sundays Successively at the several churches mentioned in the said affidavit and placed in such publick manner as they might be easily read by a person as pleased.

Whereupon it is the opinion of this Board that the said Notices are agreable to the Intent and meaning of the said Instruction.

Post Meridiem

PRESENT as before

Mr Harison in his place Reported from the Committee to whom was Committed the Bill Entituled, An Act, granting to his Majesty the Dutys & Taxes thereinmentioned for supporting his Government in the Colony of Newyork from the first of July 1726 to the first day of July 1729, that they had gone thro' the said Bill & was ready to make their Report when this Board would please to receive the same

Ordered, that the said Report be made Immediately

Then Mr Harison in his place Reported that they had gone through the said Bill & agreed to the same without amendments

Ordered, that the said Bill be read the third time

Then the said Bill was read the third time

Ordered, that the said Bill do pass without Amendments

Ordered, that Mr Harison do Acquaint the House of Representatives that this Board has past the said Bill without Amendments

At a Council held at Fort George in New York, June the 7th, 1726.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c.,

Capt WALTER,
Mr BARBERIE,
Mr HARISON,
Mr ALEXANDER,
Mr WILLIAM PROVOOST.

A Message from the Assembly by Coll Lewis with the Bill Entituled, An Act to prevent small Stallions runing at Large and to geld all horses under the size thereinmentioned acquainting this Board that they had agreed to the Additions made to the said Bill and that they had made an Amendment to the said Bill vizt in the Last Line of the Bill after the word [the] and before the word Act leave out the word [sayd] and in lieu thereof incert the words [first mentioned] and to which they desire the concurrence of this Board which was agreed to by the Board and Ordered to be Engrossed accordingly

Ordered, that Mr Barberie do acquaint the House of Representatives of the same

A Message from the Assembly by Coll Hicks with the Bill Entituled, An Act for Discharging a Debt to the late Agents for this Colony at the Court of Great Britain for finishing and compleating the buildings in his Majestys Fort George for borrowing certain sums for those purposes out of the ffonds thereinmentioned and for Laying a Tax to make good such parts thereof as stand appropriated to particular uses and desiring the Concurrence of this Board thereto

Ordered, that the said Bill be read the ffirst time

Then the said Bill was read the ffirst time and

Ordered, a second reading.

A Message from the Assembly by Capt Vanhorne with the Bill Entituled, An Act for reviving An Act Entituled, An Act for regulating the fferry between the City of Newyork and the Island Nassaw and desiring the concurrence of this Board thereto.

Ordered, that the said Bill be read the first time.

Then the said Bill was read the ffirst time and

Ordered a second reading

A Message from the Assembly with the Bill Entituled, An Act for Naturalizing Peter Delagge, John Zenger, Paulus De Seer, Nicholas Jaboien, Abraham Rodrigos Rivera, Abraham Carcus, Nicholas Van Taerlingh, Matthias Borrell, Johannes Lashier, Louis Sacombell, Marianne the Wife of Daniel Bonticow, Pierre Elizee Gallaudet, John Dragoud, Michell Berthon, William Crolges, Jean Ballereau, the wife of James Ballereau, and Gerrit Cornelisen, and desiring the Concurrence of this Board thereto

Ordered, that the said Bill be read the ffirst time

Then the said Bill was read the ffirst time and

Ordered a second reading

Ordered, that Mr Bobin do acquaint the House of Representatives that Doctor Colden being out of Town Mr Harison is appointed by this Board to Examine and compare the Acts of the General Assembly of this province passed the 3d 4th 5th 6th & 7th Sessions of Assembly since his Excellencys Arrival with the Enrolement thereof and to desire that house to appoint one of the members of this City to Join therein after the recess of this Sessions.

At a Council held at Fort George in New York, June the 8th, 1726.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca,

Mr VAN DAM,
Mr BARBERIE,
Mr HARISON,
Mr ALEXANDER,
Mr Wm PROVOOST.

The Bill Entituled, An Act for Discharging a Debt to the late Agents for this Colony at the Court of Great Britain for ffinishing and Compleating the buildings in his Majestys Fort George for borrowing certain sums for those purposes out of the Fonds thereinmentioned and for Laying a Tax to make good such parts thereof as stand appropriated to particular uses was read the second time and Committed to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act for reviving An Act Entituled, An Act for regulating the fferry between the City of Newyork and the Island Nassaw was read the second time and Committed to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act for naturalizing John Zenger, Paulus De Seer, Nicholas Jaboien, Abraham Rodrigo Rivera, Abraham Carcas, Nicholas Van Taerlingh and others was read the Second time and committed to the Gentlemen of this Board or any five of them

A Message from the Assembly by Mr Hansen with the Bill Entituled, An Act to prevent Damages done by Swine in the neighbourhood of Surotoga and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read the ffirst time

Then the said Bill was read the ffirst time and

Ordered, a second reading.

The Petition of Thomas Hicks seting forth that Major Daniel Whitehead Deceased did by his Will Devise unto Grandson Whitehead Hicks since Deceased Diverse Tracts of Land with in the Township of fflushing in the parish of Jamaica in Queens County but under the Limitation of a General Intail and that the petitioner is Eldest brother and heir of the said Whitehead Hicks to whom the said Tracts of Land Descend in Tail by virtue of the said Devise and that he had in pursuance of an Instruction from the Regency in his Majestys name to his Excellency dated at Whitehall the 23d of July 1723 given due notice of his Intention to apply for such An Act Therefore prays that the said Notification and Affidavit thereupon may be read by which it will appear he hath fully complyed with the said Instruction and that his Excellency may be Induced to give his Assent to a Bill to be brought into the honourable House of Representatives for the Ends aforesaid, was read as likewise the Notifications and affidavits thereupon which follows in these words

ADVERTISEMENT.

These are to give notice to whom it may concern that whereas Major Daniel Whitehead Deceased Did by his Last Will and Testament devise and bequeath unto his Grandson Whitehead Hicks since deceased Diverse Tracts of Land within the Township of Flushing in the parish of Jamaica Being Eleven Lotts of Ten acres each and some other small Parcells but under the Limitation of a General Intail, I the underwritten Thomas Hicks Eldest brother and heir of the said Whitehead Hicks to whom the same Lands are Devolved do design to apply to the Honourable the General Assembly of this Colony of Newyork for the passing of An Act to Cut of the said Intail and that the said Lands may be vested in me in flee simple

T HICKS Junr

Jamaica the 16th *Octor* 1725

Richard Comes of full age maketh oath on the holy Evangelists of Almighty God sayth that the within notice or publication was standing on the Church Door of the said parish of Jamaica within mentioned three several Sundays and that no objection was ever made against the same in the hearing or presence of this Deponent and further sayth not

RICHd COMES

Sworn before me this 25th *of May* 1726
Jonathan Whitehead
Justice

And Mr Clowes being called in did Declare upon oath that some time towards the Latter end of April Last he saw the advertisement now shewn him or a true copy thereof as he verily believes upon a Sabbath day nailed openly on the Door of the Parish Church of Jamaica after which time he went to Orange County in which Journey about nine days Elapsed and that at his return to Jamaica he saw the same Paper (as he believes) still remaining nailed at the same place upon another Sabbath day and he does believe the said paper had there remained openly fixed during all the time he was absent on his said Journey and further that the said

advertisement is his own handwriting and that he writ the same at the request of the said Thomas Hicks and that the said advertisement was so fixt that any person might read it as pleased

Whereupon It is the opinion of this Board that the said Notice is agreable to the Intent and meaning of the said Instruction

At a Council held at Fort George in New York, June the 9th, 1726.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca,

Capt WALTER,
Mr VAN DAM,
Mr BARBERIE,
Mr HARISON,
Mr WILLIAM PROVOOST.

The Bill Entituled, An Act to prevent damages done by Swine in the Neighbourhood of Suratoga—was read the second time & Committed to the Gentlemen of this Board or any five of them

Post Meridiem

PRESENT as before

Mr Harison Reported from the Committee to whom was Committed the following Bills vizt An Act for discharging a Debt to the late Agents for this Colony at the Court of Great Britain for finishing & compleating the buildings in his Majestys Fort George for borrowing certain sums for those purposes out of the fonds thereinmentioned and for Laying a Tax to make good such parts thereof as stand appropriated to particular uses. The Bill Entituled, An Act for reviving An Act Entituled, An Act for regulating the Ferry between the City of New York & the Island Nassaw. The Bill for Naturalizing Peter De Lagge & others, And the Bill Entituled, An Act to prevent damages done by Swine in the Neighbourhood of Suratoga, that they had gone through the said Bills & was ready to make their Report when this Board would please to receive the same

Ordered, that the said Report be made Immediately

Then Mr Harison in his place Reported that they had agreed to the said Bills without any Amendments

Ordered, that the said Bills be read the third time

Then the said Bills were read the third time &

Ordered, that the said Bills do pass without Amendments.

Ordered, that Mr Harison do acquaint the House of Representatives that this Board has past the said Bills without Amendments.

At a Council held at Fort George in New York, June the 14th, 1726.

PRESENT — *His Excellency* WILLIAM BURNET,

Mr VAN DAM,
Mr BARBERIE,
Mr HARISON,
Mr AB: VAN HORNE,
Mr Wm PROVOOST.

A Message from the Assembly by Capt Platt with the Bill Entituled, An Act for the more Effectual preservation and Increase of Deer on the Island Nassaw and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read the first time.

Then the said Bill was read the first time &

Ordered, a second reading

A Message from the Assembly by Capt Vanhorne with the Bill Entituled, An Act to provide Able pilots at Sandy hook & for the port of Newyork & desireing the concurrence of this Board thereto

Ordered, that the said Bill be read the first time

Then the said Bill was read the first time &

Ordered, a second reading

A Message from the Assembly by Mr Hansen with the Bill Entituled, An Act to Enable the Justices of the peace of the City & County of Albany who reside within the Township of Schenectady to build stocks & pounds & for Defraying some other Extraordinary Charges during

the time thereinmentioned & desiring the concurrence of this Board thereto—Was read the first time &

Ordered, a second reading

A Message from the Assembly by Coll Herring with the Bill Entituled, An Act for repairing the County house & Goal in the County of Orange & desireing the Concurrence of this Board thereto

Ordered, that the said Bill be read the first time

Then the said Bill was read the first time &

Ordered, a second reading

A Message from the Assembly by Mr Cuyler with the Bill Entituled, An Act to Enable the Mayor Aldermen and Commonalty of the City of Albany to pay for the Materialls & Workmanship of two blockhouses & desireing the Concurrence of this Board thereto

Ordered, that the Said Bill be read the first time

Then the Said Bill was read the first time and

Ordered a Second reading

A Message from the Assembly by Mr Merril with the Bill Entituled, An Act to impower & Enable Walter Dongan Surviving Kinsman of Thomas late Earl of Lymerick & two Trustees with him therein nominated to Sell Some part of his Estate for the payment of his Debts & discharging Some Incumbrances wherewith the Said Estate now Stands Charged & desireing the Concurrence of this Board thereto.

Ordered, that the Said Bill be read the first time.

Then the Said Bill was read the first time and

Ordered, A Second reading

A Message from the Assembly by Collo Hicks with the Bill Entituled, An Act to prevent the Seting on fire or burning the old Grass on Hempstead plains & desiring the Concurrence of this Board thereto

Ordered, that the Said Bill be read the first time

Then the Said Bill was read the first time and

Ordered a Second reading

A Message from the Assembly by Collo Hicks with the Bill Entituled, An Act to Vest in Thomas Hicks of Flushing in Queens County Gentlemen in ffee Simple Certain Lotts of Land Whereof he now Stands Seized in the Township of ffllushing in the Same County in ffee tail & to Enable the Said Thomas to Sell & dispose of the Same & desireing the Concurrence of this Board thereto

Ordered, that the Said Bill be read the first time

Then the Said Bill was read the first time and

Ordered a Second reading

Post Meridiem

The Bill Entituled, An Act for the more Effectual preservation & Increase of Deer on the Island Nassaw, was read the Second time & Committed to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act to provide Able pilots at Sandy Hook & for the port of Newyork was read the Second time & Committed to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act to Enable the Justices of the peace for the City & County of Albany who reside within the Township of Schenectady to build Stocks & pounds & for defraying Some Extraordinary Charges during the time thereinmentioned, Was read the Second time & Committed to the Gentlemen of this Board or any five of them.

The Bill Entituled, An Act for Repairing the County House and Goal in the County of Orange Was Read the Second time and Committed to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act to Enable the Mayor, Aldermen and Commonalty of Albany to pay for the Materials and Workmanship of two Block houses was Read the Second time and Committed to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act to Impower and Enable Walter Dongan Surviving Kinsman of Thomas late Earl of Lymerick and two Trustees with him therein Nominated to Sell Some part of his Estate for the payment of his debts, and discharging Some Incumbrances wherewith the Same Estate now Stands Charged, Was Read the Second time and Committed to the Gentlemen of this Board or any five of them.

The Bill Entituled, An Act to prevent the Seting on fire or burning the old Grass on Hempstead plains was read the Second time & Committed to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act to vest in Thomas Hicks of ffllushing in Queens County Gentleman in ffee simple certain Lotts of Land whereof he now stands seized in the Township of ffllushing in the same County in the ffeetail & to Inable him the said Thomas to sell & dispose of the same—Was read the second time & Committed to the Gentlemen of this Board or any five of them.

At a Council held at Fort George in New York, June the 15th, 1726.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr,

Capt WALTER,
Mr VAN DAM,
Mr BARBERIE,
Mr HARISON,
Mr ALEXANDER,
Mr ABRAH VAN HORNE,
Mr Wm PROVOOST.

Mr Alexander in his place Reported from the Committee to whom was Committed the Bill Entituled, An Act for repairing the County house & Goal in the County of Orange that they had gone through the said Bill & was ready to make their Report when this Board would please to receive the same.

Ordered, that the said Report be made immediately.

Then Mr Alexander in his place reported that they had gone through the said Bill & Agreed to the same without Amendments

The Question being Whether the said Bill be read the third time?

It was carryed in the Negative

The Question being further put

Whether the said Bill be rejected?

It was Carryed in the Affirmative

Resolved, That the said Bill be rejected

Mr Alexander in his place Likewise Reported from the said Committee that they had gone through the seven following Bills & was ready to make their Report upon the said Bills when this Board would please to receive the same

Ordered, that the said Report be made immediately

Then Mr Alexander in his place Reported that they had gone thro' the said Bills & agreed to the same without Amendments vizt The Bill Entituled, An Act for the more Effectual preservation and Increase of Deer on the Island Nassaw. The Bill Entituled, An Act to provide Able pilots at Sandy Hook and for the port of New York. The Bill Entituled, An Act to Enable the Justices of the peace of the City & County of Albany who reside within the Township of Schenectade to build stocks & pounds, & for Defraying some Extraordinary charges during the time thereinmentioned. The Bill Entituled, An Act to Enable the Mayor Aldermen & Commonalty of the City of Albany to pay for the materials & workmanship of two Block houses The Bill Entituled, An Act to Impower and Enable Walter Dongan surviving Kinsman of Thomas late Earl of Lymerick and two Trustees with him therein nominated to sell some part of his Estate for the payment of his debts and discharging some Incumbrances wherewith the same Estate now stands charged The Bill Entituled, An Act to vest in Thomas Hicks of flushing in Queens County Gentleman in fee simple certain Lotts of Land whereof he now stands seized in the Township of flushing in the same County in feetail and to Enable him the said Thomas to sell and dispose of the same And the Bill Entituled, An Act to prevent the seting on fire or burning the old Grass on Hempstead on Plains

Ordered, that the said Bills be read the third time

Then the said Bills was read the third time

Ordered, that the said Bill do pass withont Amendments

Ordered, that Mr Alexander do acquaint the House of Representatives that this Board has past the said Bills without Amendments

Post Meridiem.

PRESENT as before

A Message from the Assembly by Coll Schuyler with the Bill Entituled, An Act to Lay different dutys on the Goods thereinmentioned and for regulating the Indian Trade in the City & County of Albany for the Term of two years and for moderating and ascertaining the fines incurred by former Acts if paid within the time Limited in this Act, and desireing the concurrence of this Board thereto.

Ordered, that the said Bill be read the first time.

Then the said Bill was read the first time and

Ordered, a second reading

A Message from the Assembly by Coll° Stillwell with the Bill Entituled, An Act for the further continuing the Currency of Bills of Credit struck and Issued in the year 1720 to the value of five thousand ounces of plate untill the first day of July which will be in the year 1728 and desireing the concurrence of this Board thereto.

Ordered, that the said Bill be read the first time.

Then the said Bill was read the first time and

Ordered a second reading

A Message from the Assembly by Coll° Willett with the Bill Jntituled, An Act to continue An Act Entituled, An Act for regulating Slaves and Subject such persons as Trade with them Liable to presentment and prosecution and desireing the concurrence of this Board thereto.

Ordered, that the said Bill be read the first time

Then the said Bill was read the First time and

Ordered a second reading

At a Council held at Fort George in New York, June the 16, 1726.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c^a,

Capt WALTER,
Mr BARBERIE,
Mr HARISON,
Mr ALEXANDER,
Mr Wm PROVOOST.

The Bill Entituled, An Act to lay different dutys on the Goods thereinmentioned and for regulating the Indian Trade in the City and County of Albany for the Term of two years and for moderating and ascertaining the fines incurred by former Acts if paid within the time Limited in this Act, Was read the second time & Committed to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act for the further continuing the Currency of Bills of Credit struck & Issued in the year 1720 to the Value of Five thousand Ounces of plate untill the first day of July which will be in the year 1728, Was read the second time & Committed to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act to continue An Act Entituled, An Act for regulateing Slaves and to Subject such persons as trade with them to a presentment and prosecution, Was read the second time & Committed to the Gentlemen of the Council or any five of them

The Governour withdrawing The Gentlemen resolved into a committee

His Excellency returning to the Council Chamber took his place

Post Meridiem

PRESENT as before

Mr Provoost in his place Reported from the Committee to whom was Committed the Bill Entituled, An Act to lay different dutys on the Goods thereinmentioned and for regulating the Indian trade in the City & County of Albany for the term of two years and for moderating and ascertaining the fines incurred by former Acts if paid within the time Limited in this Act and was ready to make their Report when this Board would please to receive the same

Ordered, that the said Report be made immediately

Then Mr Provoost in his place Reported that they had gone through the said Bill and made the following additions vizt fol 6 Line the 1st insert the words [nor any] between the words [beforementioned] and the word [Good] fol 7th Line 3^d after the word [aforesaid] add these words vizt *And the said farmers are hereby required to Grant to such Lycense to every person demanding the same under the penalty of two hundred pounds for every refusal thereof which penalty shall be one half to the person Injured and the rest as other Forfeitures in this Act.*

Ordered, that the said Bill be read the third time with the Amendments

Then the said Bill was read the third time and past as amended.

Ordered, that Mr Provoost do carry the said [Bill] with the Amendments made thereto to the House of Representatives and desire their concurrence to the same

Mr Provoost likewise Reported from the said Committee that they had gone through the following Bills without amendments vizt the Bill Entituled, An Act for the further continuing the Currency of Bills of Credit Struck and Issued in the year 1720 to the value of Five thousand ounces of plate untill the First day of July which will be in the year 1728 And the Bill Entituled, An Act for regulating Slaves and to Subject such persons as trade with them to a presentment and Prosecution.

Ordered, that Mr Provoost do acquaint the House of Representatives that this Board has past the said Bill without amendments.

Post Meridiem

At a Council held at Fort George in New York, June the 17th, 1726.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca,

Capt WALTER,
Mr VAN DAM,
Mr HARISON,
Mr ABRAHAM VAN HORNE,
Mr Wm PROVOOST.

Ordered, that the Deputy Clerk of the Council do acquaint the House of Representatives that his Excellency requires their Immediate Attendance at the Council Chamber

The Assembly accordingly attending with their Speaker his Excellency gave his Assent to the following Acts Enacting the same and ordered them to be Enrolled vizt

1st An Act granting to his Majesty the Dutys & Taxes thereinmentioned for supporting his Government in the Colony of New York from the first day of July 1726 to the first day of July 1729

2d An Act for Discharging a Debt to the late Agent for this Colony at the Court of Great Britain for finishing and compleating the buildings in his Majestys Fort George for borrowing certain sums for those purposes out of the fonds thereinmentioned and for Laying a Tax to make good such part thereof as stand appropriated to particular uses

3d An Act to Lay different dutys upon the goods thereinmentioned and for regulating the Indian trade in the City and County of Albany for the term of two years and for moderating and ascertaining the fines incurred by former Acts if paid within the time Limited in this Act.

4th An Act for the further continuing the Currency of Bills of Credit Struck and Issued in the year 1720 to the value of Five thousand ounces of plate untill the 1st day of July 1728

5th An Act to continue An Act Entituled, An Act for the further laying out regulating and better clearing publick highways in the County of Suffolk for the time thereinmentioned

6th An Act for Reviving An Act Entituled, An Act for Encouraging the returning of Neat Cattle & Sheep to their owners

7th An Act for reviving An Act Entituled, An Act to prevent Small Stallions runing at large and to geld all horses under the Size therein mentioned and for Continuing An Act Entituled, An Act to prevent Tenants of all kinds from Committing waste and Trespases on Lands in their Tenure or possession and for punishing all such other persons as by Water or Land shall aid and abet therein, and for preventing Diverse other Enormities Exceeding hurtfull to the growing Settlements and plantations in the Countys of Orange and Ulster and for laying out and maintaining a high Road within the Same &ca

8th An Act for the further Continuing An Act Entituled, An Act for the Encouragement of Whaling.

9th An Act for reviving An Act Entituled, An Act for regulating the Ferry between the City of New York and the Island Nassaw

10th An Act for Naturalizing Peter De Lage, John Zenger, Paulus Deseer, Nicholas Jaboien, Abraham Rodrigos Rivera, Abraham Carcas, Nicholas Van Taerlingh, Matthias Borrell, Johannes Roorbagh, Johannes Lashier, Louis Sacombell, Marianne the wife of Daniel Bonticow, Pierre Elizee Gallaudet, John Draugaud, Michel Berthom, William Crolges, Jean Ballereau the wife of James Ballereau and Garrit Cornelisen.

11th An Act to prevent damages done by Swine in the Neighbourhood of Suratoga.

12th An Act to provide able pilots at Sandy hook and for the port of New York.

13th An Act to Enable the Justices of the peace of the City and County of Albany who reside within the Township of Schenectady to build Stocks and Pounds and for defraying Some Extraordinary Charges during the time thereinmentioned.

14th An Act to Enable the Mayor Aldermen and Commonalty of the City of Albany to pay for the materials and workmanship of two blockhouses

15th An Act to prevent the Seting on fire or burning the old Grass on Hempstead plains

16th An Act to Continue An Act Entituled, An Act for regulating Slaves and to Subject Such persons as Trade with them to a presentment and prosecution.

17th An Act to Intitle Lewis Hector Piot De Langloisere to the Sole Fishery of Porpoises in the province of New York during the term of Ten Years

18th An Act to Impower and Enable Walter Dongan Surviving Kinsman of Thomas lato Earl of Lymerick with two Trustees with him thereinnominated to Sell Some part of his Estate for the payment of his debts and discharging Some Incumbrances wherewith the Same Estate now Stands Charged.

19th An Act to vest in Thomas Hicks of fflushing in Queens County Gentleman in fee tail certain Lotts of Land whereof he now Stands Seized in the Township of Flushing in the Same County in feetail and to Enable him the Same Thomas to Sell and dispose of the Same

20th An Act for the more Effectual preservation and Increase of Deer on the Island Nassaw.

Then his Excellency desired the Assembly to adjourn themselves to the Last Tuesday of September next

[N. Y. Col. MSS., LXVII., 118.]

By his Excellency

WILLIAM BURNET, Esq; Captain General and Governour in Chief of the Provinces of *New-York*, *New-Jersey*, and the Territories thereon Depending in *America*, and Vice-Admiral of the Same, &c.

A PROCLAMATION.

WHEREAS the General Assembly of the Province of *New-York* Stands adjourned to *Tuesday* the Twenty Seventh of September next, I have thought fit, and by Virtue of the Powers and Authorities to Me given, by His Majesty's Letters Patent under the Great Seal of *Great Britain*, to Dissolve the Said General Assembly, and I do hereby Accordingly Dissolve the Said General Assembly, Of Which all His Majesty's Subjects are to take Notice, and Govern themselves Accordingly.

Given Under My Hand and Seal at Arms at Fort George *in* New-York, *the Tenth Day of* August, *in the Thirteenth Year of His Majesty's Reign*, Annoq; Dom. 1726.

W. BURNET.

By His Excellencys Command,
Is. Bobin, *D. Secry.*

God save the KING.

[In Executive Session]

August 11th 1726

Ordered, that Writs forthwith do Issue for the Calling a new Assembly returnable Forty days after the date thereof.

[N. Y. Col. MSS., LXVII, 140.]

By his Excellency

WILLIAM BURNET Esqr Captain Genl and Governour in Chief of the Provinces of New-York,
(L S) New-Jersey and the Territories thereon Depending in *America* and Vice Admiral of the same &c^a

A PROCLAMATION

WHEREAS in pursuance of his Majestys Writts bearing date the Eleventh day of August last for the Electing a New Assembly for the Province of New-York, the Representatives Chosen by Virtue of the said Writts are to be and appear at the City of New-York on *Wednesday* the *twenty first* of this jnstant, But for as much as his Majesty's Service at this place will prevent my meeting the said Assembly at that time, I have thought fit by Virtue of the Powers and Authoritys to me given by his Majestys Letters Patent under the Great Seal of *Great Britain* to Prorogue the said General Assembly to the *twenty sixth* day of this instant and I do hereby accordingly Prorogue the said General Assembly to the *twenty sixth* day of this instant of which all his Majestys subjects are to take Notice and Govern themselves accordingly.

Given under my hand and seal at Arms at *Albany* the fifteenth day of September in the Thirteenth year of his Majestys Reign Annoq Domini 1726.

By his Excellencys Command W. BURNET
Is Bobin *D. Secry.*

God save the KING

[N. Y. Col. MSS., LXVII., 144.]

By his Excellency

WILLIAM BURNET Esqr Captain Genl and Govr in Chief of the Provinces of New York, New
(L. S.) Jersey and Territories thereon Depending in *America* and Vice Admiral of the same &c^a

A PROCLAMATION

WHEREAS the General Assembly of the Province of New-York stands Prorogued to this day I have thought fit for his Majestys service and by Virtue of the Powers and Authoritys to me given by his Majestys Letters Patent under the great Seal of *Great Britain* further to Prorogue the said General Assembly until to morrow the *twenty seventh* of this jnstant September and I do hereby accordingly Prorogue the said General Assembly until to morrow the *twenty seventh* of this jnstant September of which all his Majestys Subjects are to take Notice and Govern themselves accordingly.

Given under my hand and seal at Arms at Fort George in *New-York* the *twenty sixth* day of *September* in the Thirteenth year of his Majesty Reign Annoq Domini 1726

W BURNET

By his Excellencys Command
Is Bobin, *D Secry*

God save the KING.

EIGHTEENTH ASSEMBLY FIRST SESSION.

At a Council held at Fort George in New York, September 27th, 1726.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr,

Capt WALTER,
Mr. VAN DAM,
Mr MORRIS, Junr,
Mr ABRAHAM VAN HORNE,
Mr WILLIAM PROVOOST.

His Excellency sent the Deputy Secretary to the Assembly to command their Attendance at the Council Chamber immediately whereupon those that were in Town came and took the Oaths appointed to be taken instead of the oaths of Allegiance and Supremacy and took and subscribed the Test and abjuration oath appointed by Act of parliament to be taken and then his Excellency desired them to return and choose a Speaker to be presented to him

Then they returned and presented Adolph Philipse Esqr their Speaker whom his Excellency approved of

Then his Excellency made the following Speach

Gentlemen,

The choice which the people of this Province have so lately made of you to Represent them gives me a fresh opportunity of knowing their Sentiments and Inclinations I have always endeavoured to promote their Interest to the utmost of my ability and it will add to my satisfaction to do it in the manner which they themselves desire

When you Inquire into the state of the present Revenue I believe you will find it insufficient to answer the usual Expence for the Support of the Government and considering the flourishing and Encreasing condition of the Colony it would be to its dishonour as well disadvantage to lessen the Encouragement that has been given to the necessary Officers of the Government I depend on your readiness to supply this deficiency which will be the most solid and convincing proof of your gratitude to the best of Kings who has shewn during the whole course of his Reign that the consent * Employment of his thoughts and the most Earnest wishes of his heart tend wholy to the securing to His Subjects their Just rights and advantages You need not fear that any of his servants will dare to abuse the confidence reposed [in] them when they must expect that their great neglect of duty or abuse of trust will draw upon them his Just displeasure.

You will find that the supply last provided for finishing the new apartments in the Fort of New York has been employed with the utmost frugality and I hope that by the same management the Repairs of the Roof of the Chappell and the Baracks which are in a condition entirely ruinous will require no very large sum tho' it is plain that the charge of doing it will encrease considerably if its delayed any longer than the next Spring which obliges me to recommend it to your care at present that provision may be made for so presing and necessary a work

I must remind you that your agent continues his watchfulness and diligence over the Interest of the Country tho he has remained a long time without any allowance so generous a conduct on his part will not fail of engaging you to take care that his past Services may not go unrewarded and that so usefull a person may be fixed in your Service and a Setled provision made for his Encouragement

I shall lay before you my Late Conferrances with the Six Nations in which I flatter my self that I have contributed not a Little to fix them in their duty to his Majesty their affection to this Government and their Just apprehensions of the ill designs of the People of Canada in fortifying so near to them at *Iagara.* I have sent a fit person to reside among the Sinnekes this Winter who is not permited to trade and will thereby have the more weight and credit with them. I doubt not of your Joining with me in taking such farther measures as are necessary to make the Six Nations remain an Effectual security to our Frontier the Indefatigable endeavours of the French to employ all possible methods whether of Art or Force to make themselves masters of those nations shew what opinion they have of their Importance and their diligence calls upon us to loose no time and spare no cost in disappointing such dangerous attempts and in doing every thing that may Conduce to our Safety on that side

The Trade on the Onnondagos River has encreased considerably and by the best enquiry I could make more of the far Indians have been this Summer than ever before but I must express

* *Sic.*

to you my concern at the disorderly and fraudulent conduct of some of our own people at that Trading place who have used many of the Indians in an unjust and some times in a violent manner; these abuses if not remidied and prevented in time may give such a disgust to the Indians as to discourage them from continueing to come thither on account of Trade and thereby loose the good effects of what has been so happily begun and carryed on with so much success. I hope you will think of proper expedients to cure this growing evill and among other things I am opinion that if that Trade be confined to a certain place and a fit person appointed to reside there during the season with power to receive Complaints from the Indians and redress their grievences and the Traders obliged to be determined by their Judgment on pain of being fined in case of refusal it might go a great ways to answer the end proposed, I shall very gladly Join with you in this or any other proper measures to encrease and preserve our Interest with the far Nations which this Trade will undoubtedly do when duly regulated You may depend on my Concurrence to the utmost of my power in any Laws that you shall frame for the publick good and in my hearty endeavours to obtain his Majestys Confirmation of them and of as many of the Laws formerly enacted as you shall desire which will at the same time require the continual sollicitation of your Agent at home

And now Gentlemen I have mentioned to you what particulars I had to recommend for the publick Service, I have only to add in general that I hope your present meeting will be an eminent Instance of the good Effects of an Intire Confidence between the Several branches of the Legislature; it would then appear in the clearest light that An Administration is never So Strong and well Supported as by the General voice of the people nor the people ever so well Secured in their Liberty and property as by the Governments being enabled to see the Laws executed W Burnet.

After which the Speaker desired his Excellency that they may enjoy their usual priviledges which his Excellency granted.

At a Council held at Fort George in New York, September the 29th, 1726.

Present — *His Excellency* William Burnet, Esqr, &ca,

Capt Walter,	Mr Morris, Junr,
Mr Van Dam,	Mr Abrah: Van Horne,
Mr Barberie,	Mr Wm Provoost.

The Assembly attending With their Speaker they made to his Excellency the following Address:

May it please your Excellency

We his Majesties Dutiful and Loyal Subjects the General Assembly of this his Colony of New York do in the most respectfull manner return our hearty thanks to your Excellency for your kind and obliging Speech and take leave to assure you that the Several matters therein recommended to us shall be maturely considered and in the course of our deliberations have their due weight.

We likewise take Leave in behalf of the Freeholders and Freemen of this Colony whom we have the honour to represent to return your Excellency our and their Sincere thanks for your giving them an Opportunity of a free choice of members to Serve in General Assembly which we acknowledge was highly Agreable to the people and it's owned by most that the Several elections have been performed with as great freedom ease and Impartiallity as any within their remembrance, We also gratefully acknowledge the kind Assureances your Excellency is pleased to give us of your ready Concurrence in Any Laws which may be for the publick welfare of the Colony and of Useing your hearty endeavours to obtain his Majestys Confirmation of them and we take leave to assure you on our part that in frameing Bills it Shall be our Constant (*sic*) to do the Same in Such Manner as may give no Just Cause for your disapprobation

As we look upon ourselves bound in duty to have equally at heart the Service of his Majesty and the Interest of our Country so we take leave to assure your Excellency that we are met together with a Sincere disposition to makes these good Ends the views and rules of our proceedings and that all the business to come before us shall meet with Such dispatch as the nature and weight thereof will reasonably allow to the end the Country may not be put to the expence of longer Sessions than what are absolutely necessary for the publick Service

We are Sensible that a Mutual Confidence between the Several branches of the Legislature tend very much to the publick [service] and we shall therefore use our utmost endeavours to promote and preserve the Same on all reasonable measures on our parts

Signed by order of the General Assembly

AD Philipse Speaker

To which his Excellency was pleased to answer

Gentlemen,

I am very glad to find by this affectionate address that what I have done has been so agreable to you and the people whom you represent.

I perfectly agree with you in having equally at heart his Majestys service & the Interest of the Country which are inseperable and in makeing these good ends the rules & views of all my Actions.

At a Council held at Fort George in New York, October the 14th, 1726.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca,

Capt WALTER,	Doctor COLDEN,
Mr VAN DAM,	Mr ALEXANDER,
Mr CLARKE,	Mr MORRIS Junr,
Mr HARISON,	Mr ABRA: VAN HORNE.

His Excellency acquainted the Board that yesterday he received An Address from the General Assembly of this Province which was read and is as follows

May it please your Excellency

We the General Assembly of this Colony having taken into mature consideration the state of the present Revenue for Support of Government and the sallarys of the necessary officers thereof Did in the first place enquire how much is arisen by the dutys alone which are Imposed for the said Support and finding the same to have amounted in the first three months ending the first of this Instant to the sum of one thousand two hundred and thirty three pounds Ten shillings and nine pence are humbly of opinion that the said Dutys and Taxes laid by the Act of Support of Government during the term of three years will fully answer to discharge all the Sallarys of the Necessary Officers and all the Contingent Charges and services of the Government as the same were resolved to be provided for by the Late General Assembly on the 12th of May last

And we humbly beg leave to assure your Excellency that if the said duties and Taxes should happen to prove insufficient to discharge the Sallarys and Services aforesaid the General Assembly will chearfully find out ways and means Effectually to make good such deficiency and they conceive on the other hand that if it should exceed such surplus ought to remain in the Treasury towards Support of Governmant after the Expiration of the said three years.

We did in the next place Examin what Provision was agreed and resolved upon by the said General Assembly for the services above mentioned on the Sixteenth day of October last and comparing the same with what they resolved upon the 12th day of May following found but very little difference betwixt them and beg leave to assure your Excellency that having deliberately considered the several particulars thereof we were of opinion that the several Sallarys Contingencies and Services resolved upon the said twelfth day of May are ample and sufficient and that no augmentation ought to be made thereto nor any alteration therein during the said three years

We therefore humbly address your Excellency that no higher or other warrants be issued in Council on Support of Government from the first day of July last and during the three years aforesaid than those particulary expressed in the Resolution Last mentioned that of the one hand no expected deficiencies may happen and of the other a mutual confidence be preserved among the several branches of the Legislature.

By order of the General Assembly.

Die Jovis 13th October 1726 ADOLPH PHILIPSE Speaker.

Ordered, that Mr De Lancey, Colle Hicks, Capt Rutgers, and Major Philipse or any three of them do wait on his Excellency with the address of the house

By order of the General Assembly

G. LUDLOW Clr.

To which his Excellency made the following answer.

This address being of an Extraordinary nature I intend to Lay it before the Council for their advice upon it.

Ordered, that the said address be Referred to the consideration of the Gentlemen of this Board or any five of them and that they make report thereon to this Board

At a Council held at Fort George in New York, October the 15th, 1726.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &cn.,

Capt WALTER,
Mr HARISON,
Mr ALEXANDER,
Doctor COLDEN,
Mr MORRIS, Junr,
Mr ABRA VAN HORNE,
Mr Wm PROVOOST.

A Message from the Assembly by Colle Schuyler with the Bill Entituled, An Act for explaining An Act of the General Assembly of the province made in the seventh year of his Majesties reign entituled, An Act for regulating Fences in the several Citys and Counties within this province of New York for makeing the same more beneficial to the Township of Schenectady in the County of Albany and desireing the concurrence of this Board thereto

Ordered, that the said Bill be read the first time

Then the said Bill was read the first time and

Ordered a second reading

A Message from the Assembly by Captain Glen with the Bill Entituled, An Act to impower the Justices of the peace of the County of Albany liveing or dwelling in the Township of Schenectady in the said County to regulate the Streets and Highways and to prevent accidents by Fire in the said Town and desireing the concurrence of this Board thereto

Ordered, that the said Bill be read the first time.

Then the said Bill was read the first time and

Ordered a second reading.

At a Council held at Fort George in New York, October the 21st, 1726.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr,

Captain WALTER,
Mr CLARKE,
Mr HARISON,
Doctor COLDEN,
Mr ALEXANDER,
Mr Wm PROVOOST.

The Bill Entituled, An Act for Explaining An Act of the General Assembly of this Province made in the seventh year of his Majestys Reign Entituled, An Act for regulating Fences for the several Citys and Counties within this Province of New York for making the same more beneficial to the Township of Schenectady in the County of Albany Was read the Second time and committed to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act to Empower the Justices of the Peace in the County of Albany living or dwelling in the Township of Schenectady in the said County to regulate the streets and highways and to prevent accidents in the said Town Was read the Second time and committed to the Gentlemen of this Board or any five of them

A Message from the Assembly by Mr Livingston with the Bill Entituled, An Act for reviving An Act Entituled, An Act for regulating and returning able and Sufficient Jurors in Tryalls at Law and desireing the Concurrence of this Board thereto.

Ordered, that the Said Bill be read the first time

Then the Said Bill was read the first time and

Ordered a Second reading

The Report of the Gentlemen of the Council to whom was referred the Address of the General Assembly of the 13th Instant which was read and is as follows

May it please yor Excellency

In Obedience to your Excellencys Order in Council to us referring to us the Address of the General Assembly of this Month

We have considered of the Same with the Resolves of that Honourable house on which the Said Address is founded as they appear to us in the Printed votes And we beg leave to observe to your Excellency that Since the Resolution of the Preceeding Assembly of the 12th of May to which the Address referrs there has been An Act passed for Support of Government by which Act pursuant to your Excellencys Commission and Instructions your Excellency is Impowered to Issue his Majestys Revenue granted by that Act by your Warrants in Council without any restraint or Limitation whatsoever. And we therefore look upon the Said Address as if the Assembly would by a vote of their house only put a restraint upon your Excellency and Council in the powers given to your Excellency of Issueing all money granted by Act of Assembly with the advice & Consent of the Council by his Majestys Commission which powers are likewise confirmed by the last Revenue Bill.

We are therefore humbly of Opinion that your Excellency is not nor cannot be restrained by any votes or Resolves of the Assembly in the Executeing of powers so fully & plainly given to your Excellency

We must take Notice likewise to your Excellency that the Assembly by their Resolves have taken upon themselves to declare what Officers are necessary and what Rewards ought to be given to them for their Service and of Disposing of every Penny of his Majestys Revenue which we think neerly concerns his Majestys Prerogative and may in time give room for Encroachments on the Same

The care of his Majestys Revenue is in a great measure intrusted with us and we therefore Cannot without the greatest concern See any Attempts made thereon. His Majestys Prerogative is an Essential part of our happy Constitution by which the many valuable priviledges of his People are governed to them as well as the Peoples Obedience to their Soveraign and the dependance of this Colony on the Crown of Great Britain is preserved

We are therefore humbly of Opinion that your Excellency Cannot too much guard against the Assemblys Assuming to themselves any powers by which his Majestys Prerogative the Constitution of this Government and the dependance of this Province on Great Britain may be endangered.

We are unwilling to enter into Disputes of Such Consequences and hope for the future there will be no Occasion for them but we beg leave to Assure your Excellency that we will to the utmost of our Power Assist your Excellency in preventing all attempts of what kind Soever that may have the least appearance of weakening his Majestys Prerogative or altering the Constitution of this Government Which is Submitted to your Excellency by

Your Excellencys most
Obed^t humble Servant
CADWALLADER COLDEN Chairm^n

The Bill Entituled, An Act for reviving An Act Entituled, An Act for regulateing and returning Able and Sufficient Jurors in Tryalls at Law, Was Read the second time & Committed to the Gentlemen of the Board or any five of them

At a Council held at Fort George in New York, November the 25th, 1726.

PRESENT— *His Excellency* WILLIAM BURNET, Esqr, &c^a,

M^r VAN DAM,
Mr HARISON,
Doctor COLDEN,
Mr ALEXANDER,
Mr PHILIP LIVINGSTON.

Mr Philip Livingston Chairman of the Committee to whom was Committed the following Bills vizt The Bill Entituled, An Act for explaining An Act of the General Assembly of this province made in the seventh year of his Majestys reign Entituled, An Act for regulateing fences for the several Citys and Counties within this province of New York for the makeing the same more beneficial for the Township of Schenectady in the County of Albany and the Bill Entituled, An Act for regulating and returning able and sufficient Jurors in Tryals at Law, acquainted the Board that the said Committee had considered of the said Bills and was ready to make their Report when this Board would please to receive the same

Ordered, that the said Report be made immediately

Then Mr Livingston in his place Reported that the said Committee had gone through the said Bills without any Amendments

Ordered, that the said Bills be read the third time.

Then the said Bill was read the third time and past without amendments.

Ordered, that Mr Livingston do acquaint the house of Representatives that this Board has past the said Bills without Amendments.

Mr Livingston likewise reported from the same Committee that they had gone through the Bill Entituled, An Act to Jmpower the Justices of the peace living or dwelling in the Township of Schenectady in the said County to Regulate the streets and highways and to prevent accidents by fire in the said Town and that they had made the following addition thereto vizt At the end of the Bill add these words—This Act to be in force for the space of two years and from thence to the end of the next Sessions of Assembly and no longer—

Ordered, that the said Bill with the addition made thereto be read the third time.

Then the said Bill was read the third time with the additions thereto

Ordered, that the said Bill do pass with the additions made thereto

Ordered, that Mr Livingston do acquaint the House of Representatives that this Board has past the said Bill with an addition thereto and that he carry the said Bill to the House of Representatives with the said addition and desire their Concurrence to the same.

A Message from the Assembly by Major Symes with the Bill Entituled, An Act for the Easier partition of Lands in Joint Tenancy or in Common and for promoting the Settlement and Improvement thereof and for Confirming former Divisions in the setled Townships of this Colony and desireing the concurrence of this Board thereto.

Ordered, that the said Bill be read the first time

Then the said Bill was read the ffirst time and the Question being put

Whether the said Bill should be read the second time?

It was Carried in the Affirmative

Then the said Bill was read the Second time

Ordered. that the Attorney General and Receiver General have notice that the said Bill is now depending before the Board and that they may have a copy of the said Bill if they desire it.

His Excellency mentioned to the Board that upon the frequent desertion of his Majestys Forces in this province he had desired Mr Harison to bring in a Bill for the prevention thereof.

Whereupon Mr Harison acquainted the Board that he had prepared the same accordingly which was laid before the Board.

Then the Bill Entituled, An Act to prevent Desertion from his Majestys forces in the province of New York was read the first time and

Ordered a second reading.

At a Council held at Fort George in New York, October the 27th, 1726.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca.,

Capt WALTER,
Mr VAN DAM,
Mr CLARKE,
Mr HARISON,
Doctor COLDEN,
Mr ABRAH: VAN HORNE,
Mr PHILIP LIVINGSTON.

The Bill Entituled, An Act for the Easier partition of Lands in Joint Tenancy or in Common and promoteing the Setling and Improvement and for confirming former Divisions in the Settled Townships of this Colony was read the Second time and Committed to the Gentlemen of this Board or any five of them

Doctor Colden acquainted the Board that his office of Surveyor General gives him frequent opportunitys of seeing the grants which were made before the year 1708 of the Large Tracts of Land in Joint or Common Tenancy for which this Bill is principally calculated and of knowing the Disputes and differences that arise about their boundarys and assured the Board that the boundarys of these Grants are very uncertainly expressed and that either no quantity of Land or a Quantity not near to that which many of them claim is Expressed in the said Grants that they all either in part or wholly adjoin to the Lands still in the Crown or to the Lands of the neighbouring Colonys or to small Tracts of particular persons in this province; he further added that as the neighbours adjoining to these great Tracts almost every where complain of the Encroachments of the Grantees of these great Tracts and severall are now at Law in those Disputes there is reason to suspect that they have made or still may make greater encroachments on his Majestys Lands where there is no person so nearly concerned to prevent them as in the other Lands belonging to other persons

He therefore moved in his Majesties behalf that the Committee be directed to add a clause to the said Bill for ascertaining the bounds of the Land granted in Joint or in Common Tenancy before any partition of such Land be made

Whereupon his Excellency put the Question Whether their should be a Direction to the Committee according to that motion or whether it should be referred to the Committee to whom the said Bill is committed.

Resolved, that the said motion be referred.

A Message from the Assembly by Coll° Schuyler Acquainting this Board that they have agreed to the Additions made to the Bill Entituled, An Act to Impower the Justices of the peace of the County of Albany Living or dwelling in the Township of Schenectady in the Said County to regulate Streets and highways and to prevent accidents by fire in the Said Town

The Bill Entituled, An Act to prevent Desertion from his Majesties Forces in the province of Newyork was read the Second time and Committed to the Gentlemen of this Board or any five of them

At a Council held at Fort George in New York, October the 29th, 1726.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca,

Captain WALTER,
Mr VAN DAM,
Mr BARBERIE,
Mr HARISON,
Doctor COLDEN,
Mr ALEXANDER,
Mr ABRAHAM VAN HORNE,
Mr PHILIP LIVINGSTON.

Mr Clarke Reported from the Committee to whom was Committed the Bill Entituled, An Act to prevent Desertion from his Majestys Forces in the province of New York that the Committee had Considered of the Said Bill and was ready to make their Report when this Board would please to receive the Same

Ordered, that the Said Report be made Immediately.

Then Mr Clarke in his place Reported that the Committee had gone through the Said Bill without any Amendments

Then the Said Bill was read the third time with the Amendmts and Agreed unto by the Board

Ordered, that the Said Bill with the Amendments be Engrossed

Mr Clarke likewise Reported from the Said Committee that they had Considered of the Bill Entituled, An Act for the Easier of (*sic*) partition of Lands in Joint Tenancy or in common and for promoting the Settlement and Improvement thereof and was ready to make their report when this Board would please to receive the Same

Ordered, that the Said Report be made Immediately

Then Mr Clarke in his place Reported that the Committee had gone through the Said Bill and made Some Amendments thereto

Then the Said Bill was read with the Amendments made thereto and the Question being put whether the Said [Bill] Should be recommitted it was Carried in the affirmative

Ordered, that the Said Bill be recommitted

Mr Clarke Acquainted the Board that in the time of the Last Assembly Leave was given by this Board for bringing in a Bill for the Ascertaining the rents in this province and that accordingly a Bill was brought in and had a ffirst reading but moved the Board for Leave to bring in a New Bill agreeing in Substance with the former

Ordered, that Leave be given accordingly

A Message from the Assembly by Mr Livingston with the Bill Entituled, An Act to Amend the practice and the Law and to regulate the giving Special Bale and desireing the Concurrence of this Board thereto.

Then the Said Bill was read the first time and

Ordered a Second Reading

At a Council held at Fort George in New York, November the 2d, 1726.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca,

Mr VAN DAM,
Mr CLARKE,
Mr HARISON,
Doctor COLDEN,
Mr ABRAHAM VAN HORNE,
Mr PHILIP LIVINGSTON.

A Message from the Assembly by Captain Hicks with the Bill Entituled, An Act to Encourage the destroying of Foxes and Wild Catts in the County of Queens County within the province of New York and desireing the concurrence of this Board thereto

Ordered, that the said Bill be read the first time

Then the said Bill was read the first time &

Ordered a second reading

A Message from the Assembly by Mr Vanklick with the Bill Entituled, An Act for destroying Wolves in the County of Albany, Dutchess County and Orange County and desireing the concurrence of this Board thereto

Ordered, that the said Bill be read the first time

Then the said Bill was read the first time &

Ordered a second reading

A Message from the Assembly by Captain Platt with the Bill Entituled, An Act for striking Bills of Credit to the value of three thousand pounds and puting them into the Treasury to be Exchanged for Shattered Torn and defaced Bills struck and Issued by virtue of the several Acts thereinmentioned and desireing the concurrence of this Board thereto

Ordered, that the said Bill be read the first time

Then the said Bill was read the first time and
Ordered a second reading
Then Mr Morris Junr took his place
The Bill Entituled, An Act to amend the practice of the Law and to regulate the giving Special Bale was read the second time and Committed to the Gentlemen of the Board or any five of them
The Engrossed Bill Entituled, An Act to Prevent Desertion from his Majesties Forces in the province of New York was read the third time and past
Ordered, that Mr Clarke do carry the said Bill to the Assembly and desire their Concurrence to the same.
Mr Clarke according to the Leave of this Board brought in and laid before the Board the Bill Entituled, An Act for the ascertaining the rents due & payable to his Majesty for some of the Lands formerly granted in this province for which no certain rent hath been reserved in the Grants made of the said Lands
Ordered, that the said Bill be read the first time
Then the said Bill was read the first time and
Ordered, a second Reading

Post Meridiam

PRESENT as before.

Mr Morris Junr from the Committee to whom was Committed the Bill Entituled, An Act for the Easier partition of Lands in Joint Tenancy or in Common and promoting the Setling and Improvement thereof and for confirming former Divisions in the setled Township of this Colony acquainted the Board that the Committee had gone through the said Bill and was ready to make their Report when this Board would please to receive the same
Ordered, that the said Report be made Immediately
Then Mr Morris in his place Reported that the Committee had gone through the said Bills and made some Amendments thereto
Then the said Bill was read the Third time as Amended
Ordered, that Mr Morris do acquaint the House of Representatives that this Board has past the said Bill with some Amendments and that he carry the said Bill with the Amendments made thereto and desire their concurrence to the same
Mr Morris further Reported from the said Committee that they had gone through the Bill Entituled, An Act to Amend the Practice of the Law and to regulate the giving Special Bale and that they had made an additional clause thereto
Then the said Bill was read the third time with the additional Clause and
Ordered, that Mr Morris do acquaint the House of Representatives that this Board has past the said Bill with an additional Clause thereto and that he carry the said Bill with the addition made thereto and desire their Concurrence to the same
The Bill Entituled, An Act to Encourage the destroying of Foxes and Wild Cats in the County of Queens County, was read the second time and Committed to the Gentlemen of this Board or any five of them
The Bill Entituled, An Act for destroying Wolves in the County of Albany, Dutchess County and Orange County was read the second time and Committed to the Gentlemen of this Board or any five of them
The Bill Entituled, An Act for striking Bills of Credit to the value of three thousand pounds and puting them into the Treasury to be Exchanged for Shattered Torn and defaced Bills struck and Issued by virtue of the several Acts therein mentioned was read the second time and Committed to the Gentlemen of this Board or any five of them

At a Council held at Fort George in New York, November the third, 1726.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca,

Capt WALTER,
Mr VAN DAM,
Mr CLARKE,
Mr HARISON,
Mr ABRAH. VAN HORNE,
Mr PHILIP LIVINGSTON.

Mr Harison from the Committee to whom was Committed the Bill Entituled, An Act for striking Bills of Credit to the value of three thousand pounds and puting them into the Treasury to be Exchanged for Shattered Torn and defaced Bills struck and Issued by virtue of the several Acts thereinmentioned, that the said Committee had considered of the said Bill and was ready to make their Report when this Board would please to receive the same
Ordered, that the said Report be made Immediately

Then Mr Harison in his place Reported that the said Committee had gone through the said Bill without any amendments.

Ordered, that the said Bill be read the third time

Then the said Bill was read the third time and past without Amendments

Ordered, that Mr Harison do acquaint the House of Representatives that this Board has past the said Bill without any Amendments.

Mr Harison further Reported from the said Committee that they had gone through the Bill Entituled, An Act for destroying Foxes and Wild Cats in the County of Queens County as likewise the Bill Entituled, An Act for destroying Wolves in the County of Albany, Dutchess County and Orange County and that they had considered of the same Bill and made some amendments thereto.

Ordered, that the said Bill be read the third time

Then the said Bill was read the third time and past as Amended

Ordered, that Mr Harison do acquaint the House of Representatives that this Board has past the said Bill with some Amendments thereto and desire their concurrence to the same

A Message from the Assembly by Captain Rutgers acquainting the Board that that house had agreed to the Amendments made by this Board to the Bill Entituled, An Act for the Easier partition of Lands in Joint Tenancy or in Common and promoting the Setling and Improvemt thereof and for confirming former divisions in the setled Townships of this Colony

A Message from the Assembly by Captain Rutgers with the Bill Entituled, An Act for the laying out & clearing of the highways from the East side of the Kaghnawage Creek where it falls in the Mohauks River so far as the Christian Settlements at present do Extend and for breaking up the Road in the winter time and desireing the concurrence of this Board thereto

Ordered, that the said Bill be read the first time.

Then the said Bill was read the first time and

Ordered, a second reading

At a Council held at Fort George in New York, November the 5th, 1726.

PRESENT— *His Excellency* WILLIAM BURNET, Esqr, &c,

Capt WALTER,	Doctor COLDEN,
Mr VAN DAM,	Mr ALEXANDER,
Mr CLARKE,	Mr PHILIP LIVINGSTON.
Mr HARISON,	

A Message from the Assembly by Mr Ryer Gerritse with the Bill Entituled, An Act for Explaining and Enforceing An Act Entituled, An Act to lay different dutys on the goods thereinmentioned and for regulating the Indian Trade in the City and County of Albany for the term of two years and for moderating and ascertaining the fines incurred by former Acts if paid within the time Limited in this Act and desireing the concurrence of this Board thereto

Ordered, that the said Bill be read the first time.

Then the said Bill was read the first time and

Ordered, a second reading

A Message from the Assembly by Mr Ryer Gerritse with the Bill Entituled, An Act to Encourage the destroying of Foxes and Wild catts in the County of Queens County within this Province acquainting this Board that that house had agreed to the Amendments made by this Board to the said Bill

Ordered, that Mr Clarke do acquaint the house of Representatives that this Board do agree to their Amendments made to the Bill Entituled, An Act to prevent Desertion from his Majestys Forces in the Province of New York

The Bill Entituled, An Act for the Laying out and clearing publick highways from the East side of Kaghnawage Creek where it falls into the Mohauks River so far as the Christian Settlements at present do extend and for breaking the Road in the winter time, was read the second time and Committed to the Gentlemen of this Board or any five of them

Post Meridiem.

PRESENT as before

The Bill Entituled, An Act for Explaining and Enforceing An Act entituled, An Act to lay different dutys on the goods thereinmentioned and for regulating the Indian trade in the City and County of Albany for the Term of two years and for moderating and ascertaining the fines incurred by former Acts if paid within the time Limited in this Act, Was read the second time and Committed to the Gentlemen of this Board or any five of them

At a Council held at Fort George in New York, November the 8th, 1726.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca,

Capt WALTER, Mr VAN DAM, Mr CLARKE, Mr HARISON, Doctor COLDEN, Mr LIVINGSTON.

Doctor Colden Chairman of the Committee to whom was Committed the Bill Entituled, An Act for Explaining and Enforceing An Act Entituled, An Act to lay different dutys on the goods thereinmentioned and for regulating the Indian Trade in the City and County of Albany for the term of two years and for moderating and ascertaining the Fines incurred by former Acts if paid within the time Limited in this Act acquainted the Board that the Committee had considered of the said Bill and was ready to make their Report when this Board would please to receive the same

Ordered, that the said Report be made Immediately.

Then Mr Harison in his Place Reported that the Committee had gone through the said Bill and made some amendmts thereto.

Then the said Bill was read the third time as amended

Ordered, that Doctor Colden do acquaint the House of Representatives that this Board has past the said Bill with some Amendments and that he carry the said Bill with the Amendments made thereto and desire their concurrence to the same

Doctor Colden likewise Reported from the said Committee that they had gone through the Bill Entituled, An Act for the laying out and clearing of the highways from the East side of Kaghnawage Creek where it falls in the Mohauks River so farr as the Christian Settlements at present do Extend and for breaking up the Road in the winter time, that they had gone through the said Bill without any Amendments

Ordered, that the said Bill be read the third time

Then the said Bill was read the third time and past without Amendments

Ordered, that Doctor Colden do acquaint the House of Representatives that this Board has past the said Bill without any Amendments

A Message from the Assembly by Captain Glen acquainting the Board that the Assembly had agreed to the Amendmts made by this Board to the Bill Entituled, An Act for destroying Wolves in the County of Albany, Dutchess County and Orange County

A Message from the Assembly by Major Philipse with the Bill Entituled, An Act to appoint an Agent for the Colony of New York at the Court of Great Britain for the time thereinmentioned and desireing the concurrence of this Board thereto

Ordered, that the said Bill be read the first time

Then the said Bill was read the first time and

Ordered, a second reading.

At a Council held at Fort George in New York, November the 9th, 1726.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca,

Captain WALTER, Mr VAN DAM, Mr CLARKE, Mr HARISON, Mr ABRAHAM VAN HORNE, Mr PHILIP LIVINGSTON.

The Bill Entituled, An Act to appoint An Agent for the Colony of New York at the Court of Great Britain for the time thereinmentioned was read the Second time and committed to the Gentlemen of this Board or any five of them

Post Meridiem

PRESENT as Before

Mr Clarke Reported from the Committee to whom was Committed the Bill Entituled, An Act to appoint an Agent for the Colony of New York at the Court of Great Britain for the time therein mentioned that the said Committee had considered of the said Bill and was ready to make their Report when this Board would please to receive the same

Ordered, that the said Report be made Immediately

Then Mr Clarke in his place Reported that the said Committee had gone through the said Bill without any Amendments

Ordered, that Mr Clarke do acquaint the house of Representatives that this Board has past the said Bill without Amendments

A Message from the Assembly by Captain Glen with the Bill Entituled, An Act for explaining and enforceing An Act Entituled, An Act to lay different dutys on the goods thereinmentioned and for regulating the Indian Trade in the City and County of Albany for the Term of two years and for moderating and ascertaining the ffines incurred by former acts if paid within the time Limited in this Act and the Amendments made by this Board to the said Bill and acquainting the Board that they disagree to the said Amendments

Whereupon the Question was put

Whether this Board do recede from their said Amendments to the said Bill?

It was carryed in the affirmative.

Ordered, that the said Bill do pass without amendments

Ordered, that Mr Clarke do acquaint the House of Representatives that this Board do recede from their Amendments made to the said Bill.

Mr Livingston moved that his PROTEST be entred against passing the said Bill which was agreed to by the Board and is as follows:—

That he conceives the said Bill to be an Invasion on that right which every subject hath to Trade in general and that it is an Invasion on property the same having respect to many things transacted in Trade before passing said Bill

He Likewise conceives that no Transaction in Trade had or done before any Law to the contrary ought to be affected by An Act passed Expost facto and that such act is contrary to the usage and Custom of our own and all other nations and does also conceive that his own right to Trade is as also his property will be Immediately prejudiced by said Act the same as he very believes being chiefly calculated in one clause thereof for that purpose only.

At a Council held at Fort George in New York, November the 10th, 1726.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca,

Mr VAN DAM, Mr HARISON,
Mr CLARKE, Mr AB. VAN HORNE.

A Message from the Assembly by Mr Samuel Gerritse with the Bill Entituled, An Act for regulating and Securing the Indian Trade to the westward of Albany and for defraying the charge thereof and desiring the concurrence of this Board thereto.

Ordered, that the said Bill be read the first time

Then the said Bill was read the first time and

Ordered a second reading.

Post Meridiem

PRESENT as before

The Bill Entituled, An Act for regulating and securing the Indian trade to the westward of Albany and for defraying the charge thereof was read the second time and Committed to the Gentlemen of this Board or any five of them.

His Excellency withdrawing the Gentlemen Resolved into a Committee and after some time spent

His Excellency returning to the Council Chamber took his place

Then Mr Harison Chairman of the Committee to whom was Committed the Bill, Entituled, An Act for the Regulating and securing the Indian Trade to the Westward of Albany and for defraying the charge thereof [acquainted the Board] that the said Committee had considered of the said Bill and was ready to make their Report when this Board would please to receive the same

Ordered, that the said Report be made imediately.

Then Mr Harison in his place Reported that the said Committee had gone through the said Bill without any Amendments.

Ordered, that the said Bill be read the third time

Then the said Bill was read the third time and past without any Amendments

Ordered, that Mr Harison do acquaint the House of Representatives that this Board has past the said Bill without any Amendments.

At a Council held at Fort George in New York, November the 11th, 1726.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &cn,

Captain WALTER, Mr HARISON,
Mr CLARKE, Mr ABR: VAN HORNE.

Ordered, that the Deputy Clerk of the Council do acquaint the House of Representatives that his Excellency requires their Immediate attendance at the Council Chamber

The Assembly accordingly attending with their Speaker his Excelleney gave his Assent to the following Bills Enacting the same and Ordered them to be Enrolled vizt

1st An Act to Impower the Justices of the Peace of the City and County of Albany Living or dwelling in the Township of Schenectady in the said County to regulate the Streets and highways and to prevent accidents by fire in the said Town.

2d An Act for Explaining An Act of the General Assembly of this province made in the seventh year of his Majesties Reign Entituled, An Act for regulating Fences in the severall Citys and Countys within this province of New York and for making the same more beneficial to the Township of Schenectady in the County of Albany

3d An Act for the Easier Partition of Lands in Joint Tenancy or in common and for promoting the Setling and Improvemt thereof and for confirming former Divisions in the setled Townships of this Colony

4th An Act for the destroying of Foxes and Wild cats in the County of Queens County within this province

5th An Act for striking Bills of Credit to the value of three thousand pounds and puting them into the Treasury to be Exchanged for Shattered, Torn, and defaced Bills struck and Issued by virtue of the several Acts thereinmentioned.

6th An Act for reviving An Act Entituled, An Act for regulating and returning able and sufficient Jurors in Tryalls at Law

7th An Act for destroying of Wolves in the County of Albany Dutchess County and Orange County

8th An Act for Laying out and Clearing the highways from the East side of Kaghnawage Creek where it falls into the Mohauks River so farr as the Christian Settlements at present do Extend and for breaking up the Road in the Winter time from Schohare to a place called the Verbight

9th An Act to prevent Desertion from his Majesties Forces in the province of New York

10th An Act for Explaining and Enforceing An Act Entituled, An Act to Lay different dutys on the goods thereinmentioned and for regulating the Indian trade in the City and County of Albany for the term of two years and for moderating and ascertaining the Fines incurred by former Acts if paid within the time Limited in this Act.

11th An Act to appoint an agent for the Colony of Newyork at the Court of Great Britain for the time thereinmentioned.

12th An Act for regulating and Securing the Indian trade to the Westward of Albany and for defraying the Charge thereof.

Then his Excellency desired the Assembly to adjourn themselves to the Third Tuesday of March next

---

[N. Y. Col. MSS., LXVII., 173.]

BY HIS EXCELLENCY

WILLIAM BURNET Esqr Captain General and Governour in chief of the provinces of
(L. S.) New York, New Jersey and Territories thereon depending in *America* and Vice Admiral of the Same &c

A PROCLAMATION

WHEREAS the General Assembly of the province of Newyork stands adjourned to the third Tuesday of this Instant March, I have thought fit for his Majesty's Service, And by

Virtue of the powers and Authoritys to me given by his Majestys Letters Patents under the Great Seal of *Great Britain* further to adjourn the said General Assembly untill the *third Tuesday* of *April* next, And I do hereby accordingly adjourn the Said General Assembly untill the *third Tuesday* of *April* next, of which all his Majestys Subjects are to take notice, and Govern themselves accordingly.

Given under my hand and Seal at Arms at ffort George in *Newyork* this *Eleventh* day of *March* in the thirteenth Year of his Majestys Reign Annoq Domini 172$\frac{6}{7}$

W BURNET

By his Excellencys Command
Is Bobin *D. Sécry*

God Save the KING

[N. Y. Col. MSS., LXVII, 175.]

By his Excellency

WILLIAM BURNET Esqr Captain General and Governour in Chief of the Provinces of
(L. S.) New-York New Jersey and Territories thereon Depending in *America* and Vice Admiral of the Same &c^{a}

A PROCLAMATION

WHEREAS the General Assembly of the Province of New-York Stands adjourned to the third Tuesday of this jnstant April, I have thought fit for his Majestys service, and by virtue of the Powers and Authoritys to me given by his Majesty's Letters Patent under the great Seal of *Great Britain*, further to Adjourn the Said General Assembly, until the *Second Tuesday* of *May* next. And I do hereby accordingly Adjourn the Said General Assembly until the *Second Tuesday* of *May* next, of Which all his Majesty's Subjects are to take Notice, and Govern themselves Accordingly

Given Under my hand and Seal at Arms at Fort-George in *New-York* this *fourteenth* day of *April* in the thirteenth Year of his Majestys Reign Annoq Domini 1727.

W BURNET

By his Excellency's Command
Is Bobin *D. Sécry*

God Save the KING

[N. Y. Col. MSS., LXVII., 177.]

By his Excellency

WILLIAM BURNET Esqr Captain General and Governour in Chief of the Provinces of
(L. S.) New York New Jersey and Territories thereon Depending in *America* and Vice Admiral of the same &c^{a}

A PROCLAMATION

WHEREAS the General Assembly of the Province of New-York stands adjourned to the second Tuesday of this jnstant May I have thought fit for his Majesty's Service, and by

Virtue of the Powers and Authoritys to me given by his Majestys Letters Patents under the Great Seal of *Great Britain* further to Adjourn the said General Assembly until the *Second Tuesday* of *June* next, and I do hereby accordingly Adjourn the said General Assembly until the *Second Tuesday* of *June* next, Of which all his Majesty's Subjects are to take Notice and Govern themselves accordingly.

Given under my hand and Seal at Arms at Fort-George in *New-York* this *Eighth* day of *May* in the thirteenth year of his Majestys Reign Annoq Domini 1727

W BURNET

By his Excellency's Command
Is Bobin *D Sēcry*

God save the KING.

[N. Y. Col. MSS., LXVIII., 2.]

By his Excellency

WILLIAM BURNET Esqr Captain General and Governour in Chief of the provinces of
(L. S.) New York New Jersey and Territories thereon depending in *America* and Vice Admiral of the same &c

A PROCLAMATION

WHEREAS the General Assembly of the Province of New York stands Adjourned to the Second Tuesday of this Instant June, I have thought fit for his Majestys Service, and by Virtue of the Powers and Authoritys unto me given by his Majestys Letters patents under the Great Seal of *Great Britain* further to Adjourn the said General Assembly untill the *second Tuesday* of *July* next, and I do hereby accordingly Adjourn the said General Assembly untill the *second Tuesday* of *July* next, of which all his Majestys Subjects are to take Notice, and Govern themselves accordingly

Given under my hand and Seal at Arms at Fort George in *New York* this *Twelfth* day of *June* in the Thirteenth year of his Majestys Reign Annoq Domini 1727

W. BURNET

By his Excellencys Command
Is. Bobin *D Sēcry*

God save the KING

[N. Y. Col. MSS., LXVIII., 14]

By his Excellency

WILLIAM BURNET Esqr Captain Genl and Governour in Chief of the provinces of New-York
(L. S.) New Jersey and Territories thereon Depending in *America* and Vice Admiral of the same &c

A PROCLAMATION

WHEREAS the General Assembly of the Province of New York stands adjourned to the second Tuesday of this Instant July, I have thought fit for his Majestys Service and by virtue of the Powers and Authoritys unto me given by his Majesty's Letters Patent under the Great

Seal of *Great Britain*, further to adjourn the said General Assembly until the *Second Tuesday* of *August* next and I do hereby accordingly Adjourn the said General Assembly until the *Second Tuesday* of *August* next of which all his Majestys Subjects are to take notice and govern themselves accordingly

Given under my hand and Seal at Arms at Fort George in *New York*, this *tenth* day of *July* in the thirteenth year of his Majesty's Reign, Annoq Dom. 1727

W BURNET

By his Excellencys Command
Is Bobin *D. Secry*

God save the KING.

[In Executive Session]

August 21st 1727

His Excellency acquainted the Board of the Death of his late Majesty King George and the Accession of his highness the prince of Wales to the Crown of Great Britain

Ordered, that Writs issue for the Electing a New Assembly returnable as usual.

NINETEENTH ASSEMBLY FIRST SESSION.

At a Council held at Fort George in New York, September ye 30th, 1727.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c,

Capt WALTER,	Mr ALEXANDER,
M^r^ VAN DAM,	M^r^ AB VAN HORNE,
Mr HARISON,	Mr KENNEDY.

His Excellency sent the Deputy Secretary to the Assembly to Acquaint that he was ready in the Council Chamber to qualifye them and that he desired their Attendance Whereupon those that were in Town came and took the oaths appointed to be taken instead of the oaths of Allegiance and Supremacy and took and subscribed the Test and Abjuration Oath and then his Excellency recommended to them to return and choose a Speaker to be presented to him

Then they returned and presented Adolph Phillipse Esqr their Speaker whom his Excellency was pleased to approve of

Then his Excellency made the following speech to them:

Gentlemen,

The Death of our late Soveraign of ever Glorious memory and the happy accession of his most Excellent Majesty have already fill'd your hearts with all that dutifull subjects must feel upon so great an Occasion and the choice which the people have at this time made of you to represent them gives you an Early opportunity of Expressing their Loyal sentiments upon it.

You find that I have lost no time nor spared no Expence in order to secure the five Nations to the British Interest by making a settlement of some strength among them convenient for Trade with the far Indians as well as themselves and by supporting it in such a manner as I hope with your assistance will prevent any attempts against it The consequence of this undertaking cannot appear better than by the great uneasiness it has given to the French who seem apprehensive that their unjustifiable pretensions and Encroachments upon our Indians and their Endeavours to Engross the trade with all the far nations will be defeated by it That they are under so much concern you will plainly see by the Governours of Canadas summons to my Officer at Oswego to abandon it and by his Letter delivered me by the Governour of Trois Riveres wherein he complaines of the Enterprize in the strongest terms, which papers together with my answer I shall lay before you

I cannot avoid observing to you that the Fund provided by the late Assembly for this service has not in any ways answered the greatness of the charge nor even any part worth mentioning of what it was Intended to produce so that the whole has been performed at my own Expence or upon my private Credit, and this burden I choose to take entirely on my self rather than suffer the design to run the risque of being lost as it probably would do by the least delay, I have thus Engaged my self upon a full confidence that you would not fail to provide for the Immediate discharge of a Debt contracted for the province when its Safety required it in the most pressing manner, The particulars shall be laid before you as far the accounts are compleated. And I hope you will make a large Allowance for what is not yet brought to account and make full provision of what shall be requisite for the next year to support and maintain this Important post.

I must remind you of the inconveniences which arise from the Limits of the province being undetermined. This is not only a great discouragement to its being well peopled and Improved but likewise a constant occasion of quarrells with our neighbours. Our late Agreement with the Government of Connecticut has indeed put a stop to them for the present on That Side but unless you make provision for compleating the Lines to be run in Consequence of it, which that province has made repeated application to have done the mischiefs intended to be prevented by that agreement may possibly happen. You are no Strangers to the difference which have Subsisted for some years between the patentees of Westernhook and the Inhabitants of the province of Massachusetts Bay; upon the Application of those patentees I have made An Agreement with that Government to abstain on both sides from any new attempts till the Lines between that province and this Shall be run and their Assembly has made a proposal to treat with this Government about those Limits and have named Commissioners for that purpose

I Shall Lay their Resolves before you that you may take Such Measures on that head as you shall think Expedient

There has been so much already done to Beautifie and repair the Buildings in the Fort that I am perswaded you will not leave that work Imperfect. The Soldiers Barracks are in a very

ruinous Condition and will require a much greater Charge, if what is necessary to keep them from falling be not done without delay

I have Lately been Informed of Disturbances that have happened between the Inhabitants of Orange County in this province and Hunterdon County in New Jersey which I know of no Expedient to put an End to, but by Compleating the Division Line on that Side which will require a Sufficient provision from you

I have the Satisfaction to Inform you that your Agent has been very Active in Solliciting the Affairs of this province and particularly that he has Succeeded in obtaining that pressing Instances might be made at the Court of France against the Stone house at Niagara.

You Cannot but be Sensible that his Vigilance will be very requisite to prevent any misrepresentations which the French may make of our Building at Oswego as well as to bring the other matters committed to his care to a happy conclusion and therefore I make no question of your Continuing to give him all Suitable Encouragement

The Season of the year being So far advanced I hope you will proceed with all possible dispatch that you may finish what I have recommended to you and if you have any thing to propose for the benefit of the Country I shall very readily Join with you to the Utmost of my power.

After which the Speaker desired his Excellency that they may Enjoy the usuall priviledges which his Excellency Granted.

At a Council held at Fort George in New York, October the 7th, 1727.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca,

Capt WALTER,	Mr HARISON,
Mr VAN DAM,	Mr ALEXANDER,
Mr BARBERIE,	Mr KENNEDY.

The Assembly attending with their Speaker made An Address to his Excellency For which his Excellency was pleased to thank them

Ordered, that Mr Bobin do acquaint the house of Representatives that this Board has appointed Captain Walter, Mr Van Dam, Mr Barberie, Mr Harison and Mr Alexander or any three of them to be a Committee to Join a Committee to be appointed by that house to prepare the draft of an Address to be presented to his Majesty from the Governour, Council and Assembly of this province and in order thereto the said Committee will meet on Tuesday next at the hour of Five in the afternoon at the house of John De Honneur in this city

At a Council held at Fort George in New York, October the 14th, 1727.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca,

Capt WALTER,	Mr ALEXANDER,
Mr VAN DAM,	Mr WILLIAM PROVOOST,
Mr BARBERIE,	Mr KENNEDY.

Mr Alexander from the Committee appointed to prepare the Draft of An Address to his Majesty Reported they had met a Committee of the Assembly appointed by that house for the same purpose and that both Committees had agreed to and approved of the Draft now laid before the Board as a proper Address to his Majesty.

At a Council held at Fort George in New York, October the 18th, 1727.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca,

Mr CLARKE,	Mr PHILLIP LIVINGSTON,
Mr HARISON,	Mr KENNEDY.
Mr ALEXANDER,	

A Message from the Assembly by Coll Willett and Mr Merrill acquainting his Excellency and this Board that that house approve of the Draft of An Address to his Majesty prepared by a Committee of the Councill and a Committee of their House and that when the said Address is

Ingrossed and signed by his Excellency and the Gentlemen of this Board the Members of that house will be ready to sign the same Likewise as soon as it is sent to them for that purpose.

Ordered, that the Draft of the said Address be read

Then the said Draft was read and approved of by the Board and

Ordered, that two fair copys thereof be Ingrossed which is as follows

To the Kings most Excellent Majesty

The Humble Address of the Governour Council and General Assembly of the province of *New York*

Most Gracious Sovereign,

We your Majestys most dutifull and Loyal Subjects of this Remote part of your Dominions beg leave to approach the throne with hearts deeply affected with the loss of your late Royal father of ever glorious memory but filled with Joy and Comfort upon your most Excellent Majestys happy accession to the Crown

The blessings we now Enjoy under your Majesty naturally lead us to look back to signal Revolution under our great deliverer King William the third who began his Reign with abolishing popery & slavery among us and clos'd it with preventing their being ever again Imposed and Intailed upon us by establishing the protestant succession for the perpetual security of our Laws Liberties & Religion

We have observed with delight and Admiration that as soon as that happy settlement took place in his late Majesty the glory of the British Nation received a new Lustre from his shining virtues

His Just and mild Government endeared him to his subjects and his wise and steady conduct effectually placed the Ballance of Europe in his hands and what above all demands our unbounded gratitude to his memory the peace, safety, strength, and happiness in which he left his Kingdoms prepared the way for those universal acclamations with which your Majesty's accession has been so joyfully celebrated

Your Majestys early zeal and undaunted courage in defence of the Liberties of Europe and the reformed Interest, your long Experience and Intire knowledge of the British Constitution Joined with all Inherent vertues that can adorn a prince give us sure presages of the glory that will attend your Auspicious Reign and that we might have nothing left to wish but the Continuance of our happiness, We see the throne graced with a Royal Consort who by disdaining a temporal Crown when set in competition with a heavenly one has the Justest title to both and with a numerous Royall Issue form'd by Nature, Education and Example to continue the felicity of the times to posterity for ages to come.

Tho we are not blessed with the nearer Influence of your Royal presence yet we yield to none of your Majestys subjects in fidelity and Loyalty and in Ardent wishes that your Majestys Reign may Exceed all your predecessors in Length prosperity and glory and that the British Supremacy for ever be established in your Majestys most Illustrious house.

A Message from the Assembly by Major Symes with the Bill Entituled, An Act to repair the County house and to amend or Inlarge the Goal or prison in the County of Orange and desiring the concurrence of this Board thereto.

Ordered, that the said Bill be read the first time.

Then the said Bill was read the first time and

Ordered a second reading.

A Message from the Assembly by Major Hutchinson with the Bill Entituled, An Act to Inable the Justices of the peace in the County of Suffolk to build a County house and prison and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read the first time

Then the said Bill was read the first time and

Ordered a second reading

Post Meridiem

Present as before

The Bill Entituled, An Act to Repair the County house and to amend and Inlarge the Goal or prison in the County of Orange was read the second time and Committed to the Gentlemen of this Board or any five of them

The Bill Intituled, An Act to Inable the Justices of the peace in the County of Suffolk to build a County house and prison Was Read the second time and Committed to the Gentlemen of this Board or any five of them

Mr Clarke acquainted the Board that in the time of the last Assembly Leave was given him by this Board to bring in a Bill for the ascertaining the Quitt Rents in this province and that accordingly a Bill was brought in and had a first reading but moved the Board for Leave to bring in a Bill agreeing in substance with the former.

Ordered, that Leave be given to bring in a Bill Accordingly

At a Council held at Fort George in New York, October the 19th, 1727.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca,

Capt WALTER,	Mr MORRIS, Junr,
Mr BARBERIE,	Mr Wm PROVOOST,
Mr CLARKE,	Mr PHILLIP LIVINGSTON,
Mr HARISON,	Mr KENNEDY.

Mr Clarke According to the Leave of this Board brought in and laid before the Board the Bill entituled, An Act for the Ascertaining the rents due and payable to his Majesty for Some of the Lands formerly granted in this province for which no certain Rent hath been reserved in the grants made of the Said Lands

Ordered, that the Said Bill be read the first time

Then the Said Bill was read the first time and

Ordered a Second reading

His Excellency withdrawing The Gentlemen of the Council resolved into a Comittee

His Excellency returning to the Council Chamber took his place

Then Mr Barberie from the Committee to whom was Committed the following Bills vizt An Act Entituled, An Act to Repair the County house and to amend and enlarge the Goal or prison in the County of Orange and the Bill entituled, An Act to enable the Justices of the peace in the County of Suffolk to build a County house and prison, Acquainted the Board that the Committee had gone through the Said Bills and was ready to make their Report when this Board would please to receive the Same

Ordered, that the Said Report be made Immediately

Then Mr Barberie in his place Reported that the Committee had gone through the Said Bills without Amendments

Then the Said Bills were read the third time and past without Amendments

Ordered, that Mr Barberie do Acquaint the house of Representatives that this Board has past the Said Bills without any Amendments

Post Meridiem

PRESENT

The Engrossed Address from the Governour, Council and General Assembly and a Duplicate thereof to his Majesty was read and Signed by his Excellency and the Gentlemen of the Council and Sent by the Deputy Clerk of the Council to the Assembly for their Signing the Same

At a Council held at Fort George in New York, October the 26th, 1727.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c,

Capt WALTER,	Mr HARISON,
Mr VAN DAM,	Doctor COLDEN,
Mr BARBERIE,	Mr ALEXANDER.

A Message from the Assembly by Mr Livingston with the Bill entituled, An Act for reviving An Act for Laying out and Clearing publick highways in the precinct of Schohare in the County of Albany and for exchanging Some of the Commissioners and desiring the Concurrence of this Board thereto

Ordered, that the Said Bill be read the first time

Then the Said Bill was read the first time and

Ordered a Second reading

A Message from the Assembly with the Bill entituled, An Act to Repeal An Act of General Assembly entituled, An Act for prohibiting all persons but Robert Lettice Hooper and his Assigns to refine Sugar during the term thereinmentioned and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read the first time

Then the said Bill was read the first time and

Ordered, a second reading

The Bill entituled, An Act for the Ascertaining the rents due and payable to his Majesty for some of the Lands formerly granted in this province for which no Certain Rent hath been Reserved in the Grants made of the said Lands Was read the Second time and committed to the Gentlemen of this Board or any five of them

Post Meridiem

PRESENT as before

The Bill Entituled, An Act for Reviving An Act Entituled, An Act for Laying out and Clearing publick highways in the precinct of Schohare in the County of Albany and for exchanging some of the Commissioners was read the Second time and committed to the Gentlemen of this Board or any five of them

The Bill entituled, An Act to repeal An Act of General Assembly entituled, An Act for prohibiting all persons but Robert Lettice Hooper and his Assigns to refine Sugar during the time thereinmentioned was read the first time and

Ordered a second reading

At a Council held at Fort George in New York, November the 1st, 1727.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca,

Mr VAN DAM,
Mr HARISON,
Doctor COLDEN,
Mr ALEXANDER,
Mr PHILLIP LIVINGSTON,
Mr KENNEDY.

Mr Harison in his place Reported from the Committee to whom was Committed the Bill entituled, An Act for the Ascertaining the rents due and payable to his Majesty for some of the Lands formerly granted in this province for which no certain rent hath been reserved in the Grants made of the said Lands, that they had gone through the said Bill and was Ready to make their Report when this Board would please to receive the same

Ordered, that the said Report be made Immediately

Then Mr Harison in his place Reported that they had gone through the said Bill and made the following Amendments thereto vizt In the first Line instead of the words [times in] insert the words [the Government of] in the first Line of the Sixth page fill the blank with these words [two shillings and six pence] and all the blanks in the said page to be filled up with the said words the blank in the last page to be filled up with these words [one shilling] which Amendments were agreed to by the Board

Ordered, that the said Bill be Engrossed as Amended

Mr Harison Likewise Reported that the said Committee had gone through the following Bills and agreed to the same without any Amendmts vizt The Bill entituled, An Act for Laying out and Clearing publick highways in the precinct of Schohare in the County of Albany and for Exchanging some of the Commissioners and the Bill entituled, An Act to Repeal An Act of General Assembly entituled, An Act prohibiting all persons but Robert Lettice Hooper and his Assigns to Refine Sugar during the time thereinmentioned.

Ordered, that the said Bills be read the third time

Then the said Bills were read the third time and past without Amendments

Ordered, that Mr Harison do acquaint the house of Representatives that this Board has past the said Bills without any Amendments

Mr Alexander begg'd Leave to enter his Dissent against passing the said Bill it appearing not sufficiently to him that Mr Hooper has forfeited the priviledges given him by the Act Repealed

A Message from the Assembly by Captain Rutgers with the Bill Entituled, An Act for continuing An Act entituled, An Act appointing Commissioners to Let to farm the Excise of Strong Liquors in the Citys and Countys in this Colony for changing some Commissioners and for recovering the arrears of the Excise and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read the first time

Then the said Bill was read the first time and

Ordered a second reading

At a Council held at Fort George in New York, November the 2d, 1727.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &c,

Capt WALTER,
Mr BARBERIE,
Mr HARISON,
Doctor COLDEN,
Mr ALEXANDER,
Mr ABRAH. VAN HORNE,
Mr PHILLIP LIVINGSTON,
Mr KENNEDY.

The Bill Entituled, An Act for continuing An Act entituled, An Act appointing Commissioners to Let to farm the Excise of Strong Liquors in the Citys and Countys in this Colony for changing

some of the Commissioners and for recovering the arrears of the Excise, was read the second time and Committed to the Gentlemen of this Board or any five of them

The Engrossed Bill Entituled, An Act for the Ascertaining the Rents due and payable to his Majesty for some of the Lands formerly granted in this province for which no Certain rent hath been reserved in the grants made of the said Lands was read the third time and past

Ordered, that Mr Harison do Carry the said Bill to the Assembly for their concurrence

The Governour withdrawing, The Gentlemen of the Council resolved into a Committee

Post Meridiem

PRESENT as before

Doctor Colden in his place Reported from the Committee to whom was Committed the Bill entituled, An Act for continuing An Act entituled, An Act appointing Commissioners to Let to farm the Excise of Strong Liquors in the Citys and Countys in this Colony for changing some Commissioners and for recovering the Arrears of the Excise, that they had gone through the said Bill and was ready to make their Report when this Board would please to Receive the same

Ordered, that the said Report be made Immediately

Then Doctor Colden in his place Reported that they had gone through the said Bill without any Amendments

Ordered, that the said Bill be read the third time

Then the said Bill was read the third time and past without any Amendments

Ordered, that Doctor Colden do acquaint the house of Representatives that this Board has past the said Bill without any Amendments

At a Council held at Fort George in New York, November the 11th, 1727.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca,

Mr BARBERIE,
Doctor COLDEN,
Mr ALEXANDER,
Mr PHILLIP LIVINGSTON,
Mr KENNEDY.

A Message from the Assembly by Collonell Hicks with the Bill Entituled, An Act for preventing prosecutions by Information and desiring the Concurrence of this Board thereto

Ordered, that the Said Bill be read the first time

Then the Said Bill was read the first time and

Ordered a Second reading

Ordered, that Mr Attorney General be Served with a Copy of the said Act and that if he has any objections against passing the Same he offer them this Board in Writing on Tuesday morning next at Eleven a Clock

A Message from the Assembly by Major Symes with the Bill Entituled, An Act for Continuing An Act of General Assembly of this Colony entituled, An Act for regulating the Ferry between the City of New York and the Island Nassaw and for moderating Some rates of the former ferriage and desiring the Concurrence of this Board thereto

Ordered, that the Said Bill be read the first time

Then the Said Bill was read the first time and

Ordered a Second reading

A Message from the Assembly by Captain Renselaer with the Bill entituled, An Act for naturalizing James Fauviere and Charlotte his wife, Hester Besley the Wife of Thauvet Besley, John Sybrandt, Susanna Mercier Widow, Daniel Nunes De Costa, John George Puschart and Jacob Bomper and desiring the Concurrence of this Board thereto

Post Meridiem

PRESENT as before

The Bill Entituled, An Act for Continuing An Act of General Assembly of this Colony Entituled, An Act for reviving An Act Entituled, An Act for regulating the Ferry between the City of New York and the Island Nassaw and for moderating Some rates of the former ferriage was read the Second time and Committed to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act for Naturalizing James Fauiere and Charlotte his wife Hester Besley the wife of Thauvet Besley, John Sybrandt, Susanna Mercier Widow Daniel Nunes De Costa, John George Puschart and Jacob Bomper was read the Second time and Committed to the Gentlemen of this Board or any five of them

At a Council held at Fort George in New York, November the 15th, 1727.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca,

Mr VAN DAM,
Mr HARISON,
Doctor COLDEN,
Mr ALEXANDER,
Mr MORRIS, Junr,
Mr PHILLIP LIVINGSTON,
Mr KENNEDY.

Mr Morris Junr in his place Reported from the Committee to whom was Committed the Bill entituled, An Act for continuing An Act of Genéral Assembly of this Colony entituled, An Act for reviving An Act entituled, An Act for regulating the Ferry between the City of New York and the Island Nassaw and for moderating Some rates of the former ferriage that they had gone through the Said Bill and was ready to make their Report when this Board would please to receive the Same

Ordered, that Said Report be made Immediately

Then Mr Morris in his place reported that they had gone through the said Bill without any Amendments

Ordered, that the said Bill be read the third time

Then the said Bill was read the third time and past without Amendments

Ordered, that Mr Morris do acquaint the House of Representatives that this Board has past the said Bill without any Amendments

Ordered, that the Bill entituled, An Act for preventing prosecutions by Information was read the second time and Committed to the Gentlemen of the Council or any five of them.

Mr Attorney Generals objections against the said Bill was Likewise read and referred to the consideration of the same Committee

His Excellency withdrawing The Gentlemen Resolved into a Committee

Post Meridiem

PRESENT as before

Mr Morris Junr in his place Reported from the Committee to whom was Committed the Bill Entituled, An Act for Naturalizing James Fauviere and Charlotte his wife and others that they had gone through the said Bill and was ready to make their Report when this Board would please to receive the same

Ordered, that the said Report be made Immediately

Then Mr Morris in his place reported that they had gone through the said Bill and added the following clause thereto at the End of the Bill add these words, And whereas the following words are contained in the latter part of the Oath of Abjuration viz[t] [upon the true faith of a Christian] Be it further Enacted by the Authority aforesaid that whenever any of his Majestys subjects professing the Jewish religion shall present himself to take the said Oath of Abjuration in pursuance of this present Act the said words [upon the true faith of a Christian] shall be Omitted out of the said Oath in administring the same to such person and the taking the said Oath by such person professing the Jewish Religion without the words aforesaid in like manner as Jews are admitted to be sworn to give evidence in Courts of Justice shall be deemed to be a sufficient taking the Abjuration Oath within the meaning of this Act.

Ordered, that the said Bill with the said additional clause be read the third time.

Then the said Bill with the said additional clause was Read the third time and past.

Ordered, that Mr Morris do acquaint the house of Representatives that this Board has past the said Bill with an Additional clause and that he carry the said Bill to the house of Representatives with the additional clause thereto and desire their concurrence to the same

Mr Morris Likewise Reported from the said Committee that they had gone through the Bill Entituled, An Act for preventing prosecutions by Information and added the following clauses thereto to be taken in before the Last clause in the Bill viz[t] Provided always that nothing in this Act Contained shall be construed to relate to such proceedings by Information as now are depending by Express order of the Supreme Court of this province or shall be directed by Express Order of the said Court, but only to such as have been or shall be commenced by the Attorney General of his own head without any Express Order.

Provided also that nothing herein shall Extend or be construed to hinder his Majesty from prosecuting his right to any of his Lands or Quit rents in this Colony by any Legal method which could have been taken before the making hereof.

Ordered, that the Said Bill with the Said Additional Clause be read the third time

Then the Said Bill with the Said Additional Clause was read the third time & past

Ordered, that Mr Morris do Acquaint the house of Representatives that this Board has past the Said Bill with Additional Clauses and that he Carry the Said Bill to the House of Representatives with additional Clauses made thereto and desire their Concurrence to the Same

At a Council held at Fort George in New York, November the 18th, 1727.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr,

Capt WALTER, Mr ALEXANDER,
Mr VAN DAM, Mr ABRAHAM VAN HORNE,
Doctor COLDEN, Mr KENNEDY.

A Message from the Assembly by Collonell Hicks with the Bill entituled, An Act for naturalizing James Fauviere and Charlotte his wife, Hester Bisley the wife of Thavet Besley, John Sybrandt, Susannah Mercier Widow, Daniel Nunes De Costa, John George Puschart and Jacob Bomper Acquainting this Board that that house had agreed to the additional Clause made to the Said Bill by this Board

Ordered, that the Said Bill do pass Accordingly

A Message from the Assembly by Colonell Hicks with the Bill entituled, An Act for preventing Prosecution by Information, Acquainting this Board that that house disagree to the Amendments made by this Board thereto and that Instead thereof they had made another amendment to which they desire the Concurrence of this Board thereto

Which Amendments are as follows:

After the word notwithstanding ending the Clause in the 24th Line page the 1st, add these words—

Provided that of the Actions already Commenced upon Informations as aforesaid Such of them may be brought on Again as the Governour for the time being by an Express order Signed in Council within one month after the publication of this Act shall direct provided also that as well the prosecutions to be made on such orders as on any other Such order or orders to be signed thereafter in manner as aforesaid shall be triable in the respective Countys only where the matters of fact did arise or was Committed.

This Board do recede from their Amendments made to the Said Bill and accept of the Amendments made by that house in Lieu thereof.

Ordered, that Mr Kennedy do acquaint the house of Representatives that this Board do recede from their amendments made to the Said Bill and that this Board does Accept of the Amendments made in Lieu thereof by that house

Ordered, that the Said Bill do pass Accordingly

At a Council held at Fort George in New York, November the 24th, 1727.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca,

Captain WALTER, Mr ALEXANDER,
Mr HARISON, Mr ABRAHAM VAN HORNE,
Doctor COLDEN, Mr KENNEDY.

A Message from the Assembly by Collonell Hicks and Mr Livingston with the Bill entituled, An Act for defraying the Cost and Contingent Charges of the Trading house Erected at Oswego and the maintaining [it] during the time thereinmentioned for applying Several Funds and Certain Sum out of the Excise for that purpose for the effectual Recovery of former fines and Forfeitures for continuing the different dutys on Indian Goods during the time thereinmentioned and for making good the money So to be borrowed of the Excise and desiring the Concurrence of this Board thereto

Ordered, that the said Bill be read the first time

Then the said Bill was read the first time and

Ordered a second reading

Post Meridiem

PRESENT as before

Then the said Bill was read the second time and committed to the Gentlemen of this Board or any five of them

At a Council held at Fort George in New York, November the 25th, 1727.

PRESENT — *His Excellency* WILLIAM BURNET, Esqr, &ca,

Captain WALTER,
Mr VAN DAM,
Mr HARISON,
Doctor COLDEN,
Mr ALEXANDER,
Mr LEWIS MORRIS, Junr,
Mr ABRAHAM VAN HORNE,
Mr KENNEDY.

Mr Kennedy in his place Reported from the Committee to whom was Committed the Bill entituled, An Act for defraying the Cost and charges of the Trading house erected at Oswego and the maintaining it during the time thereinmentioned for applying several funds and borrowing a certain sum out of the Excise for that purpose for the effectual Recovery of former fines and forfeitures for continuing the different dutys on Indian Goods during the time thereinmentioned and for making good the money so to be borrowed out of the Excise That they had gone through the said Bill and was ready to make their Report when this Board would please to receive the same

Ordered, that the said Report be made Immediately

Then Mr Kennedy in his place Reported that they had gone through the said Bill without any amendments

Ordered, that Mr Kennedy do Acquaint the House of Representatives that this Board has past the said Bills without any Amendments

Ordered, that the Deputy Clerk of the Council do acquaint the House of Representatives that his Excellency requires Their Immediate attendance at the Council Chamber

The Assembly accordingly attending at the Council Chamber with their Speaker his Excellency Gave his Assent to the following Acts vizt

1st An Act Entituled, An Act for defraying the Cost & Contingent Charges of the Trading house Erected at Oswego & the maintaining it During the time therein Mentioned for applying several Fonds and Borrowing a Certain sum out of the Excise for that purpose for the effectual recovery of former ffines and fforfeitures for Continuing the different dutys on Indian Goods during the Time therein mentioned and for making good the moneys so to be borrowed of the Excise

2d An Act for Continuing An Act entituled, An Act appointing Comrs to Let to ffarm the Excise of Strong Liquors in the Citys & Countys in this Colony for changing some Commissioners and for recovering the Arrear of the Excise

3d An Act for preventing prosecutions by Information

4th An Act for Continuing An Act of General Assembly of this Colony Entituled, An Act for reviving An Act Entituled, An Act for regulating the Ferry between the City of New York and the Island Nassaw and for moderating some rates of the former Ferriage.

5th An Act to Enable the Justices of the peace in the County of Suffolk to build a County House and prison

6th An Act to repair the County House and to Amend and Enlarge the Goal or prison in the County of Orange

7th An Act for reviving An Act Entituled, An Act for Laying out and Clearing publick Highways in the precinct of Schohare in the County of Albany and for Exchanging some of the Commissioners

8th An Act to repeal An Act of General Assembly Entituled, An Act prohibiting all persons but Robert Lettice Hooper and his Assigns to refine Sugar during the Term therein mentioned

9th An Act for Naturalizing James Fauiere and Charlotte his wife, Hester Besly the wife of Thauvet Besley, John Sybrandt, Susannah Mercier Widdow, Daniel Nunes De Costa, John George Puschart & Jacob Bomper

Then his Excellency proceeded to the publication of the said Acts with the usual solemnity.

The General Assembly returning with his Excellency to the Council Chamber,

His Excellency was pleased to declare them DISSOLVED with the unanimous Consent and approbation of this Board on account of the following Resolves made by the General Assembly vizt

Die Sabbat: 25th *November* 1727

Coll Hicks from the Committee of Greivances reported that as well by the Complaints of several people as by the General Cry of his Majestys Subjects Inhabiting this Colony they find that the Court of Chancery as Lately assumed to be Sett up Here renders the Libertys and

properties of the said Subjects extreamly Precarious and that by the violent measures taken in & allowed by it some have been ruined others obliged to abandon the Colony and many restrained in it either by Imprisonment or by Excessive bail Exacted from them not to depart even when no manner of suits depending ag^t them and therefore are of opinion that the Extraordinary proceedings of that Court and the Exorbitant fees and charges Countenanced to be Exacted by by the Officers and Commissioners thereof are the greatest greivance and oppression this Colony has ever felt and that for removing the fatal consequences thereof they had come to several resolutions which being read were approved of by the House and are as follows

Resolved, that the Erecting or Excercising in this Colony a Court of Equity or Chancery (however it may be Termed) without Consent in General Assembly is unwarrantable and and Contrary to the Laws of England and a Manifest oppression and greivance to the subjects and of pernicious Consequence to their Libertys and propertys

Resolved, that this House will at their next meeting prepare and pass An Act to declare and adjudge all orders ordinances Devisees * and proceedings of the Court so assumed to be Erected and Excercised as above mentioned to be illegall Null and void as by Law and of right they ought to be

Resolved, that this House will at the same time take into consideration whether it be necessary to Establish a Court of Equity or Chancery in this Colony in whom the Jurisdiction thereof ought to be vested and how far the powers of it shall be prescribed and Limitted

Examined and Compared with the Journal of the General Assembly
G : Ludlow Cl.

Which Resolves this Board looks upon as unwarrantable and highly Injurious to his Majestys Prerogative for the recovery of his Just Rights in this Province and to the Libertys and Propertys of the Subject, who would if the said Resolutions were of any force be thereby deprived of all remedys in Equity which they are Entitled unto by the Laws & fundamental Constitution of Great Brittain

Ordered, that this Minute be Published and Printed and dispersed throughout this Province And that the Gentlemen of this Board or any five of them be a Committee to make their observations on the said Resolves and that they report their opinion thereon to this Board

TWENTIETH ASSEMBLY FIRST SESSION.

At a Council held at Fort George in New York, July the 23^d, 1728.

Present — *His Excellency* John Montgomerie, Esqr,

Capt Walter,
Mr Van Dam,
Mr Clarke,
Mr Harison,
Mr Alexander,
Mr Abrah Van Horne,
Mr Wm Provoost.

His Excellency sent the Deputy Secretary to the Assembly to Command their Attendance in the Council Chamber Immediatly

Whereupon those that were in Town Came and took the Oaths appointed to be taken instead of the Oaths of Allegiance and Supremacy and took and subscribed the Test and Abjuration Oath appointed by Act of parliament to be Taken, and then his Excellency directed them to Return and Choose a Speaker to be presented to him before the Board at four in the Afternoon.

Then they Returned to their House

Post Meridiem

Present as Before

The Assembly Attending his Excellency They presented Adolph Phillipse Esqr for their Speaker whom his Excellency approved of

* *Sic.* decrees

Then his Excellency made the following speech to them

Gentlemen,

When his Majesty did me the Honour to appoint me Governour of this province I was very sensible of my own insufficiency for so Great a Trust, Yet I willingly undertook it thinking it my Duty to serve my King and Country in whatever station his Majesty was pleased to Employ me

It was no small Encouragement for me to hear before I left England a general good character of the Inhabitants of this province and I hope after being some time Longer with you I shall be able to vouch it by Experience

You who are the free choice and Representatives of a people who I have so much reason to beleive are well principled, I hope are Met together determined to support his Majestys Government by setling upon him a Revenue in as ample a manner and at least for as long a time as former Assemblys have given it to his Predecessors By so doing you will Express your Loyalty and Gratitude to the best of Kings who is able and willing to secure to you your Religion, Laws, Libertys and propertys, is ready to protect the Trade you are at present possest of and is graciously resolved to Encourage the Encrease of your Commerce and the Encouraging of your Manufactures

I am fully Instructed to concur with you in every Thing that is for the real good and Interest of the province, and to take particular Care that you Enjoy your rights and priviledges in their full Extent at the same time I am Commanded to Support his Majestys Royal prerogative which I will do with the greatest zeal, and if any Factious and presumptious Attempt be made against so essential a part of the Constitution I Expect that you will oppose it,

Gentlemen,

I Confide so much in the good Intentions of this Assembly that I shall not propose to you any particular method of Supporting the Government or securing the province and its Frontiers where all the Garrisons are in a ruinous Condition. The Things I Recommend to you are for your honour and Safety and your doing them effectually will Confirm his Majesty of the Good opinion he has of his Subjects here

After which the Speaker desired his Excellency that they may Enjoy their usual priviledges which his Excellency Granted.

At a Council held at Fort George in New York, August the 8th, 1728.

PRESENT— *His Excellency* JOHN MONTGOMERIE, Esqr, &ca,

Mr CLARKE,
Mr HARISON,
Doctor COLDEN,
Mr ALEXANDER,
Mr LEWIS MORRIS, Junr,
Mr Wm PROVOOST.

A Message from the Assembly by Coll Willet with the Bill Entituled, An Act for reviving An Act Entituled, An Act for Settling and regulating the Militia of this province and making the same useful for the security and Defence thereof and for repealing all other Acts relating to the same and Desiring the concurrence of this Board thereto

Ordered, that the said Bill be read the First Time

Then the said Bill was read the first Time and

Ordered a Second Reading

Then Mr Van Horne took his place

A Message from the Assembly by Capt Rutgers with the Bill Entituled, An Act for Laying a Duty on Empty Casks imported into the City of New York and desiring the concurrence of this Board Thereto

Ordered, that the said Bill be Read the First Time.

Then the said Bill was read the first Time and

Ordered a Second Reading.

Then Mr Van Dam and Mr Kennedy Took their places

A Message from the Assembly by Mr Livingston with the Bill Entituled, An Act to Continue the Currency of Bills of Credit struck and Issued in the year one Thousand seven hundred and Twenty to the value of Five Thousand ounces of plate until the First day of July one Thousand seven hundred and Twenty nine and desiring the Concurrence of This Board Thereto

Ordered, that the said Bill be read the First Time

Then the said Bill was read the first Time and

Ordered a Second Reading

At a Council held at Fort George in New York, August the 15*th*, 1728.

PRESENT — *His Excellency* JOHN MONTGOMERIE, Esqr, &c^{a},

Capt WALTER,
M^{r} VAN DAM,
Mr CLARKE,
Mr HARISON,
Mr ALEXANDER,
Doctor COLDEN,
Mr LEWIS MORRIS, Junr,
Mr Wm PROVOOST,
Mr KENNEDY,
Mr PHIL LIVINGSTON.

A Message from the Assembly by Coll Beekman with the Bill Entituled, An Act to continue An Act Entituled, An Act for destroying of Wolves in the County of Albany, Dutchess County and Orange County and for Giving a further Reward for Killing of Wolves in the said County and desiring the concurrence of This Board

Ordered, that the said Bill be read the First Time

Then the said Bill was read the first Time and

Ordered a Second Reading

A Message from the Assembly by Capt Rutgers with the Bill Entituled, An Act to revive An Act entituled An Act for mending and keeping in repair the Post Road from New York to Kings Bridge and desiring the Concurrence of this Board thereto

Ordered, That the said Bill be Read the first Time

Then the said Bill was read the first Time and

Ordered a Second Reading

A Message from the Assembly by Mr Livingston with the Bill Entituled, An Act to prevent Swine running at Large in Dutchess County, and the mannor of Livingston and in the precinct of the mannor of Renslearswick called Claverack in the County of Albany and desiring the Concurrence of this Board thereto

Ordered, That the said Bill be read the First Time

Then the said Bill was read the first Time and

Ordered a Second Reading

The Bill Entituled, An Act for reviving An Act Entituled An Act for settling and regulating the Militia in this province and making the same more useful for the Security and Defence thereof and for repealing all other Acts relating to the same Was read the Second time and Committed to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act to Continue the Currency of Bills of Credit Struck and Issued in the year one thousand seven hundred and Twenty to the value of Five thousand ounces of plate until the First day of July one thousand seven hundred and Twenty nine Was Read the Second Time and Committed

The Bill Entituled, An Act for Laying a Duty on Empty Casks Imported into the City of New York Was Read the Second Time and Committed to the Gentlemen of the Board or any five of them

At a Council held at Fort George in New York, August the 22^{d}, 1728.

PRESENT — *His Excellency* JN^{o} MONTGOMERIE, Esqr, &c.,

M^{r} VAN DAM,
Mr CLARKE,
Mr HARISON,
Mr LEWIS MORRIS, Junr,
Mr ABRAH VAN HORN,
Mr Wm PROVOOST,
Mr LIVINGSTON,
Mr KENNEDY.

Mr Kennedy Chairman of The Committee to whom was Committed the following Bills vizt

The Bill Entituled, An Act to Continue The Currency of Bills of Credit Struck and Issued in the year one thousand seven hundred and twenty to the value of Five Thousand Ounces of plate until The first day of July one thousand seven hundred and Twenty nine.

The Bill Entituled, An Act for Reviving An Act Entituled, An Act for Settling and Regulating the Militia in this province and making the Same useful for the Security and defence thereof and for repealing all other acts relating to the Same And

The Bill Entituled, An Act for Laying a Duty on Empty Casks Imported into the City of New York Acquainted the Board That the Committee had Considered of the Same and was ready To make Their Report When This Board would please to receive the Same

Ordered, That the Said Report be made Immediatly

Then Mr Kennedy in his place reported That the said Committee had Gone Through the Said Bills without any Amendment

Ordered, That the Said Bills be Read the Third Time

Then the Said Bills were read the third Time and past without any Amendments

Ordered, that Mr Kennedy do Acquaint The House of Representatives That this Board has past the Said Bills without Any Amendments

The Bill Entituled, An Act to Continue An Act Entituled, An Act for destroying of Wolves in the County of Albany Dutchess County and Orange County and for giving a further reward for Killing of Wolves in the Said County Was Read The Second Time and Committed To the Gentlemen of the Board or any five of Them

The Bill Entituled, An Act to revive An Act Entituled, An Act for mending and keeping in repair The Post Road from New York to Kings Bridge Was read the Second Time and Committed to The Gentlemen of The Board or any Five of Them

The Bill Entituled, An Act to prevent Swine running at Large in Dutchess County and in the mannor of Livingston and precinct of the Mannor of Renslearswick called Claverack in the County of Albany Was Read the Second Time and Committed to the Gentlemen of the Board or any five of Them

A Message from the Assembly by Capt Platt with the Bill Entituled, An Act for the more Easy Acknowledgement of Deeds and desiring the Concurrence of This Board thereto

Ordered, That the Said Bill be Read The First Time

Then the Said Bill was read the First Time and

Ordered a Second reading

A Message from the Assembly by Capt Van Horne with the Bill Entituled, An Act to revive An Act Entituled, An Act for the Encouraging Navigation and desiring the Concurrence of this Board Thereto

Ordered, that the Said Bill be read the first Time

Then the Said Bill was read the first time &

Ordered a Second Reading

A Message from the Assembly by Col Hicks with the Bill Entituled, An Act to amend the Practice of the Law and to Regulate the giving of Special Bail and desiring the Concurrence of this Board thereto

Ordered, that the Said Bill be Read the first time

Then the Said Bill was Read the first time and

Ordered a Second Reading.

At a Council held at Fort George in New York, August the 28th, 1728.

PRESENT — *His Excellency* JOHN MONTGOMERIE, Esqr, &ca,

Mr CLARKE,
Mr HARISON,
Mr ALEXANDER,
Doctor COLDEN,
Mr ABRAH V HORNE,
Mr Wm PROVOOST,
Mr KENNEDY.

Mr Abraham Van Horne Chairman of the Committee to whom was Committed the Three following Bills Vizt the Bill Entituled, An Act for destroying of Wolves in the County of Albany, Dutchess County and Orange County and for Giving a ffurther reward for Killing of Wolves in the Said County. The Bill Entituled, An Act to revive An Act Entituled [An Act] for mending and keeping in repair the post road from New York to Kings Bridge and the Bill entituled, An Act to prevent Swine running at Large in Dutchess County and in the Mannor of Livingston and in the precinct of the mannor of Renslearswick called Claverack in the County of Albany Acquainted the Board that the Committee had Considered of The Same and was ready to make their report when this Board would please to receive the Same

Ordered, that the said Report be made immediatly

Then Mr Van Dam in his place Reported that the said Committee had gone through the said Bills without any amendments

Ordered, that the said Bills be read the Third Time.

Then the said Bills were read the third Time and past without Amendments

Ordered, that Mr Van Horn do acquaint the House of Representatives that this Board has past the said Bills without any Amendments

The Bill Entituled, An Act for the more Easy acknowledgement of Deeds Was Read the second Time & Committed to the Gentlemen of this Board or any five of Them

The Bill Entituled, An Act to revive An Act Entituled, An Act for the Encouraging Navigation Was Read the second time and Committed to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act to amend the practice of the Law and to regulate the giving of Special Bail Was Read the second time

Then a motion was made for the Question to be put

Whether the said Bill be Committed

It was Carryed in the affirmative.

The Question being put accordingly
It was Carryed in the affirmative
Whereupon the said Bill was Committed to the Gentlemen of this Board or any five of them
A Message from the Assembly by Major Phillipse and Major Symms with the Bill Entituled, An Act to repeal some part and to continue and enforce other parts of the Act therein mentioned And for granting several dutys to his Majesty for supporting his Government in the Colony of New York from the first day of September 1728 until the first day of September which will be in the year 1733 desiring the concurrence of this Board Thereto
Ordered, that the said Bill be read the first Time
Then the said Bill was read the first time and
Ordered a second Reading

At a Council held at Fort George, August 29th, 1728.

PRESENT — *His Excellency* JOHN MONTGOMERIE, Esqr,

Capt WALTER,	Mr ALEXANDER,
Mr VAN DAM,	Mr ABRAH VAN HORN,
Mr CLARKE,	Mr Wm PROVOOST,
Mr HARISON,	Mr KENNEDY,
Doctor COLDEN,	Mr PHIL LIVINGSTON.

The Bill Entituled, An Act to repeal some parts and to Continue and enforce other parts of the Act therein mentioned and for granting several Dutys to his Majesty for supporting his Government in the Colony of New York from the first day of September 1728 until the first day of September which will be in the year one thousand seven hundred and Thirty three Was Read the second time and Committed to the Gentlemen of the Board or any five of them
His Excellency withdrawing The Gentlemen of the Board resolved into a Committee

Post Meridiem

PRESENT as before

His Excellency returning to the Council Chamber took his place
Captain Walter Chairman of the Committee to who was Committed The Bill Entituled, An Act to Repeal some part and to Continue and Enforce other parts of the Act therein mentioned and for granting several Dutys to his Majesty for supporting his Government in the Colony of New York from the first day of September 1728 until the first day of September which will be in the year 1733 acquainted the Board that the Committee Had considered of the same and was ready to make their report when this Board would please to receive the same
Ordered, that the said Report be made Immediatly
Then Capt Walter in his place reported that the said Committee had gone through the said Bill without any Amendments.
Ordered, that the said Bill be read the Third time
Then the said Bill was read the Third time & past without Amendments
Ordered, That Capt Walters do acquaint the House of Representatives that this Board has past the said Bill without any Amendments
Mr Livingston acquainted the Board that he was this day desired by one of the members of the House of Representatives (by an order of that House) to attend them upon which he moved the Board for their sentiments thereon
Whereupon it was the opinion of the Board that Mr Livingston might attend that house if he thought fitt

At a Council held at Fort George in New York, August the 30th, 1728.

PRESENT — *His Excellency* JOHN MONTGOMERIE, Esqr, &ca,

Mr VAN DAM,	Mr ABRAHAM VAN HORNE,
Mr CLARKE,	Mr WILL PROVOOST,
Doctor COLDEN,	Mr PHILL LIVINGSTON,
Mr ALEXANDER,	Mr KENNEDY.
Mr LEWIS MORRIS, Junr,	

Mr Morris Chairman of the Committee to whom was Committed the Bill Entituled, An Act for the Encouraging Navigation Acquainted the Board that the Committe had considered of the same and was ready to make their report when this Board would please to receive the same

Ordered, that the said Report be made immediatly

Then Mr Morris in his place reported that the said Committee had gone through the said Bill without any Amendments

Ordered, that the said Bill be read the third Time

Then the said Bill was read the third Time and past without any Amendments

Ordered, that Mr Morris do acquaint the House of Representatives that this Board has past the said Bill without any Amendments

Mr Morris in his place read a Representation of some of the members of this Board concerning the late Assembly of this province after which he moved that the same might be Entred in the minutes of this day

Whereupon the Question was put

Whether the said Representation be Entred?

It was carryed in the Affirmative

Ordered, that the said representation be Entred accordingly which is as follows:

To his Excellency in Council.

It is with the greatest concern we find the proceedings of a Committee of the Council of which we were the members taxed by the Assembly of the highest violation of the priviledges of the General Assembly and with rendring the Liberty and propertys of the people precarious as is but too plainly insinuated in their printed Votes of the thirtieth of July Last. We therefore think it our Indispensible duty with respect to that regard which is due to your Excellency to the representatives of the people and to that Justice which is Likewise due to our selves to set the whole matter in a true Light and to place the blame of all misunderstandings where we are convinced it ought to be Laid by Giving the following short account of the occasion of and proceedings in the present differences and animosities

While Mr Phillipse was at the head of the Last Assembly he became Defendant in a Suit in the Court of Chancery of this province for Lands of great Value and the matter in dispute coming to hearing on Bill and Answer The Governour decreed (some time in the summer before the Last Assembly) in behalf of the Complainants. This Decree however was not in form compleated till the 23d of November Last while the Assembly was sitting

Two Days afterwards his Excellency (having sent for the Assembly to the Council Chamber to be witnesses of passing the Acts) went about noon in the usual form to the City Hall to publish them when he was informed of the resolves made that Day by the Assembly against the Court of Chancery and thought fit at his return to the Council Chamber to dissolve the Assembly

The Council entred some Counter Resolves in their minutes and a Committee was appointed to make observations on the resolves of the Assembly and afterwards were directed to send for persons and to Examine upon oath if Occasion should require it

We thought it our Duty not to publish all the particulars of this Examination because it may discourage future discoveries to mention (without Evident necessity) so much as the names of persons from whom we had our information. It is sufficient for the present purpose to declare

That it Evidently appeared to us That there had been no Complaint of the Court of Chancery made to the Assembly, no Information given them of any ill practice

That Mr Phillipse Speaker of the House only read a paper in his own hand writing containing all the words of the said resolves and of the preamble to them as they are now entred upon the Journall of the House without any alteration Except the Words *nemine contradicente* which upon the objection of one of the members were struck out

That notwithstanding these Resolves Recite a Report from the Committee there was no report made either verbally or in writing but this paper only Read by the Speaker which of it self plainly shows that it could not be the report of the Committee. It Likewise appeared to us that there had no mention been made in the House of any Grievances from the Court of Chancery before the said twenty fifth of November It was well known for some days before that the Sessions were to end that Day and that the only mention made of the Court of Chancery in the Assembly was by reading that paper which was likewise done before the Assembly was called up to the Council Chamber that the Clerk (tho' there was no Interruption made) had not time to enter upon the minutes before the members Left the House

It further appeared to us that the Committee of Greivances was convened in a more private manner than usual in the Evening before the Resolves were made: That no Complaints of the Court of Chancery were made to that Committee during the Last Sessions Except one that the High fees of the Court were mentioned by one of the members of that Committee and no notice taken of it till that Evening before the Resolves were made in the House when Mr Wm Smith, Abraham Gouverneur and Sarah Hett who were all interested in a suit then depending in Chancery and no other persons, appeared before the Committee to Complain and we have reason to beleive likewise that these persons did not appear of their own Accord, but were sent for by one of the members of the House and their whole Complaint was of a writt of *Ne Exeatt* Issued against them as to the occasion of which we must referr to page 10th of the printed Decree in the case of Medina &ca against Hett &ca

These things being clearly made out it is Easy to conceive what impression these resolves (obtained in this manner) made upon our minds where we see one of the Branches of the Legislature, the Representatives of the people, thus Blindly giving up their Judgments to the Will of one man without the Least regard to Justice or to truth or to the honour of the person the King had intrusted with the Government of this province for how can they be said to have any regard for Justice when they proposed no Less than the reversing all the Decrees in Chancery without knowing or in the Least enquiring into the merits of any one Cause or when they endeavoured to blacken the character of the highest Judge of the province, tho' no one thing in his Conduct appeared that deserved the Least blame or what regard could they have to truth when they assert facts of the higest nature without desiring the Least Evidence to any one of them and all this is aggravated by the greatest disrespect that can be shown to his Majestys Authority in his Courts of Justice

Your Excellency will Easily believe what abhorrence the discovery of these things raised in our minds and yet we hope that our Conduct will make it manifest that these discoveries did not Lead us into any indecent passions tho' if they had, we might on such an occasion hope for Large Allowances from the most severe Judge. No, *may it please your Excellency*, we proceeded with a very different temper of mind; we did what the Assembly ought to have done; we Enquired with the greatest strictness into the practice of that Court, as the Council is certainly bound in duty to do, when any Complaints of Greivances come to their Knowledge, And we Enquired of all those that we thought were most Likely to inform us, among which certainly we ought to Expect the most voluntary as well as ample Information from those that made this publick complaint, and however unreasonably backward some of them were from informing us, we neglected no information from those that made this publick Complaint

We found fees taken by the Inferior officers to be in many Cases too high, and we found the Lawyers had been guilty of many abuses in their practice as in prolonging suits and encreasing the expences thereof by manifold contrivances, But to the Honour of the Judge of that Court We must say, we could find nothing blame worthy in the proceedings of the Court itself, and we are perswaded it can stand the severest Enquiry. We have not only enquired into these abuses but hope we have Likewise Provided Effectual Remedys for them as we think will evidently appear to all impartial Judges who shall see the two late ordinances for regulating the fees and practice of the Court of Chancery prepared by this Committee

Had we not then *may it please your Excellency*, good reason to Expect that these our proceedings would be highly acceptable to the people of this Province, We must presume your Excellency is surprized to hear that they have not. We must think therefore that the same artfull contriver that had before so strangely influenced the Assembly, influenced the people in no less strange a manner, for it was done by such arts and contrivances as could be suited to no purpose but such as appears too Evidently to be his in the Resolves of the late Assembly. Such falsehoods and slanders were spread among the people of his Excellency, our late Governeur and of some of the members of the Committee, that they could have been invented with no other view but to incite the mobb & with the hopes that we must sink under the load of calumny which was laid upon us & that the discovery of his Design might be thereby prevented

The uprightness of our Intentions, for on such an occasion as this men are allowed to defend themselves with Less modest reserve than is usual on other occasions, We say the uprightness of our Intentions made us confidently hope for the assistance of all honest men and therefore we cannot forbear declaring our concern at the want of some assistance we had a right to Expect in our proceedings, for thereby we were not only discouraged and an opinion impressed on the people to our prejudice but also the difficultys we Laboured under were highly augmented and the artifices used against us were Easily promoted

The Resolves of the present Assembly of the 30th of July and which we are assured were procured in the very same manner those of the Last Assembly were, oblidge us to be more particular in one point than we should otherwise have thought there was any necessity for. It is insinuated in these resolves that the Committee of Council sent for some of the members of the Last Assembly in an imperious manner and Confined one of them for insisting that he thought himself accountable to the house only for any act done in it. The truth of this assertion did not in any manner (as we have reason to believe) appear to the House by any Complaint or information whatsoever made there, but is on the contrary such an unfair misrepresentation that it cannot be doubted from whose hands it came. The particular instance to which they cheifly point is this:

We ordered our Messenger to give our Service to Mr Beekman and tell him that the Gentlemen of the Council desire to speak with him at Mr Blagges; a very imperious way of sending for them; And when he came, he was desired to take a seat with us at the table which he did, and this no doubt was using him with a very high hand. We beg your Excellencys pardon if we cannot forbear some resentment on this occasion. We told him the Occasion of our sending for him was that we might be informed of what Complaints and other informations the Assembly had against the Court of Chancery that we might have an opportunity of redressing the Greivances and the Governour of clearing himself of the reflection which seemed to be cast upon him.

These things being put in the form of Questions, all that we could obtain from him was that he would make no answer. We then askt him if he thought the Answering of these Questions would do him any personal prejudice But all he would say even to this Question was that he would not answer. He being desired to withdraw and afterwards called in and seated with the same respect as before, some Arguments were used to perswade him to answer. But he appearing resolute, we desired he would attend us at any other time we should give him notice. Upon which he answered in a haughty manner that he would if his buisness did not call him any where Else, and while we endeavoured to put a good construction on his words he endeavoured more & more to manifest his Disrespect, and when we desired him to stay in the House till we considered on these Last answers, he said, he would stay an hour or so Long as it should be convenient to himself, or words to the same purpose. Upon which the messenger was ordered not to suffer him to go out of the house without further orders from us. And about half an hour afterwards he was told to go about his buisness

We do not remember his saying that he did not think himself accountable for any Act done in the House, nor do we perceive how it could be a pertinent answer at Least to any Question then put to him ; for we did not charge him or any other person with any Crime committed in the House ; Or if we had and this had been his Answer We cannot say that we should have been satislyed with it, for if any Crime had been committed there the house could have taken no further notice of it, than as it was Likewise a contempt of the House and must have left the punishment of the Crime it Self to a proper Judicature, to which Judicature we think that person must Certainly have been Accountable.

This is that Calling to an Account and Confinement which the Assembly resents as the highest violation and breach of the priviledges Due and of right belonging to General Assemblys and of pernicious and dangerous consequence to the Libertys of the people. We heartily wish that their Resolves may never effect the priviledge of Assemblys and the propertys and Libertys of the people more than any Act of Council ever since we had the honour to sit at that Board

Upon the whole we beg leave to observe to your Excellency, That unless such attempts as this be Effectually discouraged, The Authority of his Majestys Courts may often be in danger from the Artifices of popular men That Judges may be frightened even in Cases where the King is highly concerned from giving Judgment against a Leading man of An Assembly and that the poor may have no means Left of Defending or recovering their right when Invaded by rich and popular men

If such an open Invásion of the Kings prerogative should now be passed with neglect any Discourse of it for the future may become the Test of the people

When your Excellency considers that the Gentlemen of his Majestys Council as well as all the officers of the Government, hold their places only during pleasure, And that it must be very difficult to Guard against private misrepresentations where such open and publick ones are attempted, they may be very much inclined to free themselves from troublesome disputes— That tho' we know of no Instance where the Council have ever streched their Authority, there are many where they have yielded to the Assembly and upon which the Expectation of the Assembly have always risen. For Example, the Assembly having once gained the appointing of the officer with whom the revenue is to be Lodged, they afterwards Assumed the same as to all the Collectors, so that properly speaking not one farthing of the money given by Act of Assembly for support of Government is in the Kings hands. They were not contented with this but expected Likewise the nomination of all the officers both Civil & Military in the several Countys and would Lately have assumed to themselves to be the whole Judges of the rewards due to the officers from the highest to the Lowest without the Consent of either Governour or Council or giving any reason for the Encreasing or Lessening any Salary, the Consequences of which are too evident to need mentioning

From this your Excellency will perceive, that the part of the Constitution of our Government which is designed to Counterballance any encroachments of the Assembly, will often be too weak if it be not Strenuously Supported by our Superiors and Accordingly the Effects of this unequal ballance generally break out upon the Death or removal of a Governour when the Authority of the Council is Least able to withstand the Arts of popular men, because the people Love Changes, and there is Less fear of punishment when it is to be observed that few Governours are willing to enter into disputes at their first arrival but generally fall in with the popular party. We perceive the force of popularity dayly increasing and therefore cannot but be apprehensive of what heighth it may reach to especially when the Assembly, Since your Excellencys Arrival, openly and boldly claim a priviledge which Can only belong to the Supream and Absolute Authority by Asserting Absolutely that they are not accountable for any thing they do, This no doubt makes a Strong impression on the minds of the people and may make Some persons think themselves Safe under the protection of An Assembly in the Boldest attempts that Can be made on the Constitution, And We Cannot forbear observing that a desire to be absolutely Unaccountable has always Discovered a Strong Byass towards Tyranny and Arbitrary Power in those who have at any time claimed this priviledge

As We have no Reason to doubt that all Possible Arts are used to misrepresent Our Actions So We may Expect that this representation will be Said to proceed from a Spirit of Contention,

Now When it is given out that the Assembly designs to drop the dispute. But *May it please your Excellency* after what manner is it done? They drop it after they have Chargedus with the highest Invasion of their priviledges and the Libertys of the people after they have declared themselves not to be Accountable and after they have Claimed a power of Calling the Council to an Account We shall be Well pleased that this whole Affair be Subjected to the Strictest Enquiry that it may Clearly appear with what Spirit we have proceeded We Shall even be Willing to have our Conduct in our private Affairs Considered As well as in publick to make the Temper of our Minds appear more plainly for if we be Naturally of Contentious Spirits or inclinable to Injure our Neighbour or if we have not kept clean Surely Some one Instance can be given and made. But in this we bid Defiance

We shall be far from desiring to have our resentments gratifyed, but we must Zealously Endeavour to discourage all attempts on the Royal prerogative and the Safety of the people in their properties and Libertys from whatever hands they come, It is with great pleasure we Look on the happyness of our Constitution where the prerogative of the Crown is so closely interwoven with the Safety of the people that no Attempt can be made upon the one without manifest Injury to the other; and this observation has mightily Supported us in performing our duty. But as we have not the Least reason to doubt of your Excellencys powerfull Concurrence not only in these our endeavours but likewise in removing all the fears that have been Cunningly imprest on the Officers of the Government in the performance of their Duty and as the doing of these things Cannot be the work of One day, We humbly Submit them to your Excellencys prudent Conduct which hitherto has [given] the greatest Satisfaction.

R: Walter
Cadwallader Colden
Ja: Alexander
Lewis Morris Junr

New York, August 27th 1728.

At a Council held at Fort George in New York, August the 31st, 1728.

Present — *His Excellency* Jno Montgomerie, Esqr, &c^a^,

Mr Van Dam,	Mr Van Horn,
Mr Clarke,	Mr Provoost,
Mr Harison,	Mr Livingston,
Mr Alexander,	Mr Kennedy.

Ordered, that Doctor Colden Chairman of the Committee who took the Examination of some of the members of the late Assembly concerning a Resolve of that House about the Court of Chancery, do forthwith Laye before the Council all the minutes and proceedings of the said Committee

A Message from the Assembly by Col. Beekman with the Bill Entituled, An Act for better Clearing Regulating and further laying out Publick High Roads in the County of West Chester and desiring the concurrence of this Board thereto.

Ordered, that the said Bill be Read the first time

Then the said Bill was Read the first time and

Ordered a Second Reading

Ordered, that the Deputy Cl. of the Council do acquaint the House of Representatives that his Excellency requires their jmmediate attendance at the Council Chamber

The Assembly accordingly attending with their Speaker, His Excellency gave his assent to the following Acts vizt

An Act for Reviving An Act Entituled, An Act for Setling and Regulating the Militia in this Province and making the same useful for the Security and Defence thereof and for Repealing all other Acts relating to the same

An Act for Laying a Duty on Empty Casks Imported into the City of New York

An Act to continue the Currency of Bills of Credit Struck and Issued in the year one thousand seven hundred and twenty to the value of five thousand ounces of Plate until the first day of July one thousand seven hundred and twenty nine

An Act to Revive An Act Entituled, An Act for mending and keeping in Repair the Post Road from New-York to Kings Bridge

An Act to continue An Act Entituled, An Act for Destroying of Wolves in the County of Albany Dutchess County and Orange County and for giving a further reward for Killing of Wolves in the said Countys

An Act to prevent Swine running at large in Dutchess County and in the mannor of Livingston and in the mannor of Rensslaerwyck called Claverack in the County of Albany

An Act to Repeal some parts and to continue and Enforce other parts of the Act therein mentioned and for granting several Dutys to his Majesty for Supporting his Government in the Colony of New York from the first day of September 1728 until the first day of September which will be in the year 1733

An Act to Revive An Act Entituled, An Act for the Encouraging Navigation

Then his Excellency proceeded to Publish the said Acts with the usual solemnity

At a Council held at Fort George in New York, Septr 5th, 1728.

PRESENT — *His Excellency* JN^o MONTGOMERIE, Esqr, &c,

M^r VAN DAM,
Mr CLARKE,
Mr HARISON,
Mr ALEXANDER,
Mr LEWIS MORRIS, Junr,
Mr ABRAH VAN HORN.

Mr Morris Junr Chairman of the Committee to whom was Committed the Bill Entituled, An Act for the more Easy acknowledgment of Deeds acquainted the Board that the Committee had considered of the same and was ready to make their Report when this Board would please to receive the same

Ordered, that the said Report be made jmmediately

Then Mr Morris in his place Reported that the said Committee had gone through the said Bill and made some Amendments thereto.

Amendments to the Bill Entituled, An Act for the more easy acknowledgment of Deeds vizt At the End of the Title of the Bill add these words vizt [and Preventing frauds in Conveyancing of Lands] Leave out the first twenty Lines of the first Page, and in Line 21st of the same Page leave out the words [be Declared and Enacted and] and in lieu thereof incert these words [for the Effectual Acknowledging Proving and Recording of all Deeds Conveyances and Evidences of Land]

Line the first of the second Page leave out the words [as well for any one] and in the second Line of the same Page leave out the words [of his Majestys Justices of the Peace in their Respective Countys as for] and in lieu thereof jncert these words [for any of]

Line the 4th of the 2^d Page between the word [Pleas] and the word [to] jncert these words [or any two of his Majestys Justices of the Peace in their Respective Countys]

Line 4th of the same Page Leave out the word [acknowledgments] and in lieu thereof jncert the words [acknowledgment or Proof]

Line 10th of the same Page leave out the word [Justice] and in lieu thereof jncert the word [Justices]

Line ye 12th of the same Page leave out the word [Material]

Line ye 16th of the same Page leave out the word [hand] and in lieu thereof jncert these words [or their hands]

And in the same Page betwixt the Line 19 and Line 20 jncert these clauses—

And be it Enacted by the Authority aforesaid that where any Razure or Interlineation is found in any Deed Brought to be acknowledged besides such as are specifyed in a Memorandum upon the same before the sealing and witnessing thereof the Councillor, Judge or Justices of the Peace taking the acknowledgment shall Examin the Grantors whether these be part of the Deed and shall make particular mention in the Endorsement of Every such Razure and interlineation and that the Grantors acknowledged them to be part of the Deed and without such acknowledgment of the Grantors such Deed in that case shall not be Certifyed to be acknowledged

And be it further Enacted where any Razure or jnterlineation is found in any Deed brought to be Proved besides such as are Specifyed in a Memorandum upon the Same before the Sealing and Witnessing thereof the Councillor Judge or Justices of the Peace taking the Proof Shall Examine the Witness or Witnesses upon their Oath whether these were part of the Deed at the time of the Execution thereof, and Shall make particular mention in the Endorsement of every such Razure or jnterlineation and that the Witness Deposed them to be part of the Deed at the time of the Execution thereof and without such Proof the Witnesses Such Deed Shall not be Certifyed to be proved

Line the 29th of the 2^d Page Leave out the Word [Raizures] and in lieu thereof Incert the Word [obliterations] In the last Page Line the 2^d leave out the Word [Raizures] and in lieu thereof jncert the word [obliterations]

In the Same Line leave out the words [ought to be]

Line the 5th of the Same Page between the word [Raizures] and the word [or] jncert the word [obliterations] And in the Same line leave out the Words [as well] and in lieu thereof jncert these words [Respectively made]

Line the 6th of the Same Page Leave out the Word [as] and in lieu thereof jncert the word [and]

Line the 7th of the Same Page between the word [Interlineations] and the word [or] jncert the word [obliterations]

Line the 8th after the Word [that] Ending the Line jncert these words [The Secretary of this Colony or his Deputy]

And after the word [mentioned] Ending the 12th Line jncert these words [And are hereby directed to make no Razures in such Record on any Pretence but when mistakes do happen instead of Raizing shall obliterate the words mistaken by a Stroake of the Pen thro them So as the word may still remain to be understood] and after the word [acknowledged] in the 16th Line of the Same Page jncert these words [or Proved] and after the word [aforesaid] in the Same Line leave out all to the End of the Bill and in lieu thereof jncert the words [or the Record thereof Produced by the Proper Officer in any Court Shall be as good Valid and Effectual in the Law to all jntents, constructions and purposes whatsoever as if the original were then and there Produced and Proved in Court Any Law Custom or usage to the Contrary notwithstanding

And be it Enacted by the Authority aforesaid that all Deeds and Conveyances made or to be made by a man and his wife of the Estate or Right of Dower of the wife being acknowledged or Proved to have been made by the Husband as aforesaid and being Acknowledged by the Wife on private Examination before any of the Justices of the Supream Court or any of his Majestys Council or any one of the Judges of the Inferiour Courts or any two Justices of the Peace in their Respective Countys to have been made by her freely and without fear threats or Compulsion of her Husband shall be good and Effectual to Convey the Lands Estate or Right thereby mentioned to be conveyed any Law Usage or Custom to the Contrary notwithstanding

And be it further Enacted by the Authority aforesaid, That from and after the first day of June which will be in the year of Our Lord One thousand Seven hundred and twenty nine, Noe Grants Deeds or other Conveyances whatsoever of any Lands or Tenements within this Province to be made after the Said first day of June Shall be of Any force Power or validity in Law Unless the Said Grants, Deeds, Mortgages or other Conveyances be Entied and Recorded in the office of the Clerk of the County where such Lands or Tenements doe Lye within Six months after the day of their respective Dates Provided allways and be it further Enacted by the Authority aforesaid that none of the aforesaid Grants Deeds Mortgages or other Conveyances shall be Entered or Recorded until the Party or Partys who did Seal and deliver the Same shall make acknowledgment thereof as aforesaid. And be it further Enacted by the Authority aforesaid that all mortgages already made or to be made before the first day of June aforesaid and acknowledged or proved or hereafter to be acknowledged or proved in manner aforesaid Shall be Recorded in the Office of Clerke of the County where Such Lands and Tenements so mortgaged do Lye within one year after the Publication hereof and in Case any Prior Mortgagees Shall Delay or neglect to Record his or her Mortgage within the time Limited, then the Posterior Mortgage or Conveyance acknowledged or Proved and Recorded as aforesaid shall take place thereof to all jntents and purposes whatsoever

And be it further Enacted by the Authority aforesaid that all mortgages to be made after the said first day of June and Proved or acknowledged as aforesaid shall be recorded in the office of Clerke of the County where such Lands and Tenements so mortgaged do Lye within six months after the Day of their respective Dates and in case any Prior mortgagee shall Delay or neglect to Record his or her mortgage within the time Limited than the Posterior Mortgage or Conveyance acknowledged or Proved and Recorded as aforesaid shall take place thereof to all jntents and Purposes whatsoever.

Provided allways that the said Deeds Mortgages or other conveyances be by the Clerke of the County where such Deeds Mortgages or other Conveyances are Entered transmitted once Every six months or oftener to the Secretarys office at New York with the fees for Recording the same there

Provided always that if the Clerke shall neglect to transmit the said Record as aforesaid that then such neglect of the Clerke shall not prejudice the right of any Person claiming such Lands by vertue of such Deeds Mortgages or Conveyances as aforesaid, but that for such neglect the said Clerke shall Loose his place.

Provided allways that all Mortgages, Conveyances and other writings made in Great Britain or Ireland for Lands within this Province being Proved or acknowledged before the Mayor of London, Edenborough or Dublin and certifyed under the City Seals or proved or acknowledged in this Province in manner aforesaid shall be Recorded as aforesaid within two years after their respective Dates and all Mortgages Conveyances or other writings made in any of his Majestys Plantations Proved or acknowedged and Certifyed under the Gread Seal of such Colony or Proved or acknowledged in this Province in manner aforesaid shall be Recorded as aforesaid within one year after their respective Dates.

By his Excellency in Council

Is Bobin D. Cl. Coun.

Ordered, that the said Bill be Read the third time as Amended

Then the said Bill was Read the third time as Amended and past

Ordered, that Mr Morris Junr do acquaint the House of Representatives that this Board has past the said Bill with some Amendments and that he carry the Bill with the Amendment made thereto and desire their concurrence to the same

A Message from the Assembly by Coll Beekman with the Bill Entituled, An Act for the better Clearing Regulating and further Laying out Publick High Roads in Dutchess County and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read the first time

Then the said Bill was Read the first time and

Ordered a second Reading

A Message from the Assembly by Mr Livingston with the Bill Entituled, An Act to Impower and direct the Treasurer of this Colony for the time being, to Deliver up a certain Bond Entered into by Gilbert Livingston for his Contract upon the Farm of the Excise in this Colony and desiring the concurrence of this Board

Ordered, that the said Bill be Read the first time

Then the said Bill was Read the first time and

Ordered a second Reading

A Message from the Assembly by Capt Renselaer with the Bill Entituled, An Act for the frequent calling and holding General Assemblys in the Colony of New York and desiring the concurrence of this Board thereto

Ordered, that the said Bill be Read the first time

Then the said Bill was Read the first time and

Ordered a second Reading

A Message from the Assembly by Capt Rutgers with the Bill Entituled, An Act for Naturalizing Jan De Wit Peteriz, Mary Reneau The wife of Andrew Reneau, Ezekiel Barbauld and Jaques Gabriel Buvelot and desiring the concurrence of this Board thereto

Ordered, that the said Bill be Read the first time

Then the said Bill was Read the first time and

Ordered a Second Reading

At a Council held at Fort George in New York, Septembr ye 10th, 1728.

PRESENT — *His Excellency* Jno MONTGOMERIE, Esqr, &cn,

Capt WALTER,
Mr VAN DAM,
Mr HARISON,
Mr ALEXANDER,
Mr MORRIS, Junr,
Mr ABRAH VAN HORN,
Mr Wm PROVOOST.

The Petition of Albert Pawling and Catherina his wife and Gilbert Livingston and Cornelia his wife Seting forth that jntending to apply for An Act of General Assembly of this Province to Dispose of certain Tracts of Land Scituate and Lying in the Countys of Ulster and Dutchess and City of New York in order to raise moneys sufficient for Dividing and apportionating such part of said Tracts as shall by them be Reserved and Remain unsold and for the better ascertaining and assuring the Titles by the Petitioners already made of Lands granted to a considerable number of poor Palatines, that the Petrs are advised that the fee simple thereof was in said Catherine and Cornelia by the last Will and Testament of their Father Coll. Henry Beekman deceased, but for as much as they are obstructed by Doubts and Scruples arising upon the construction of said Will and spread about by ill meaning Persons and the same not being to be cleared to the Satisfaction of People Ignorant of the Law than by Act of Assembly Empowering them to dispose of said Land and that they had in pursuance of an Instruction from the Regency in his late Majestys name to his late Excellency William Burnet, Esqr or the Gov for the time being, given due notice of their jntentions to apply for such an Act

Therefore pray that the said notifications and affidavits by which it will appear, they have fully complyed with the said Instruction may be Read and that his Excellency may be Induced to give his assent to a Bill to be brought into the Honble House of Representatives for the Ends aforesaid, Was Read as likewise the notifications and affidavits thereupon

Mrs Johanna Beekman, the widow of the Testator Mrs Catherina Beekman, now the wife of Capt Pawling, Cornelia Beekman now the wife of Mr Gilbert Livingston, the daughters of the said deceased and Henry Beekman the son and heir at Law of the said Coll. Henry Beekman deceased, all attending without were called in

Then his Excellency put the question to the widdow of the Testator whether she believed the Will mentioned in the said Petition was according to the jntent and meaning of her Husband Coll Beekman? Upon which she replyed, she believed not, for that she always understood it to be the jntent of her said Husband that his Estate should be equally Divided amongst his

children, and that she consented to the passing of An Act according to the prayer of the Petition

Then his Excellency put the question to Mrs Pawling and Mrs Livingston, Whether they consented to the passing the Act prayed for in the said Petition? Which they answered in the Affirmative.

His Excellency put a further question to them—Whether their consenting to the passing such An Act was without Threats or Compulsion from their said Husbands? To which they answered it was without any compulsion

His Excellency put the question to Mr Beekman likewise Whether he consented to the Act prayed for? Who after Reading the said Petition, gave his consent to passing said Act

Then all the partys withdrew

Upon the whole it is the opinion of this Board that the said Notices are agreeable to the jntent and meaning of the said Instruction & y^t^ leave be given to bring in a Bill to the Assembly accordingly

The Memorial of his Majestys Attorney General of this Province Seting forth that by An Act of Assembly of this Province passed Novemb^r^ last Entituled, An Act for defraying the cost and Contingent charges at the Trading House Erected at Oswego and the maintaining it during the time therein mentioned &c^a^ it was Enacted among other things that in case either the Mayor Recorder and Aldermen of the City of Albany shall refuse or neglect to Execute the Powers and directions given them by that Act according to the true jntent and meaning thereof they & Each of them should forfit £400 to be Recovered as directed by said Act and by which Act he is directed to prosecute the offender, and that the said Corporation have not conform'd themselves according to said Act That the memorialist being informed that the present Assembly are preparing a Bill to alter the Tenor of that Act

Therefore prays that what he offers in his said Memorial may be taken into consideration before any such Act do pass, was Read

Ordered, that the said Memorial do lye on the Table to be considered off when such Act shall come before this Board

The Bill Entituled, An Act for the better clearing regulating and further laying out Publick High Roads in Dutchess County Was Read the second time and Committed to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act to Impower and direct the Governour of this Colony for the time being to Deliver up a certain Bond Entered into by Gilbert Livingston for his Contract upon the Farm of the Excise in this Colony Was Read the second time and Committed to the Gentlemen of the Council or any five of them.

The Bill Entituled, An Act for the frequent calling and holding General Assemblys in the Colony of New York was Read the second time and Committed to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act for Naturalizing Jan De Wit Peteriz, Mary Reneau, the wife of Andrew Reneau, Ezekiel Barbauld and Jaques Gabriel Buvelot Was Read the second time and Committed to the Gentlemen of this Board or any five of them

*At a Council held at Fort George in New York, Septemb^r^* 11th, 1728.

PRESENT — *His Excellency* JOHN MONTGOMERIE, Esqr, &c^a^,

Capt WALTER,
M^r^ VAN DAM,
Mr CLARKE,
Mr HARISON,
Mr ALEXANDER,
Mr MORRIS, Junr,
Mr Wm PROVOOST.

Mr Harison in his place Reported from the Committee to whom was Committed the Bill Entituled, An Act to amend the Practice of the Law and to Regulate the giving of Special Bail, that they had gone through the said Bill and was Ready to make their Report when this Board would please to receive the same

Ordered, that the said Report be made jmmediately

Then Mr Harison in his place Reported that they had gone through the said Bill with some amendments

Ordered, that the said Bill be Read the third time with the Amendments

Then the said Bill was Read the third time as amended

Ordered, that Mr Harison do carry the said Bill with the Amendments made thereto to the House of Representatives and desire their concurrence to the same

Then the said Committee moved that ye Judges of y^e^ *Sup. Cur.* be served with a copy of the said Act and that they give their opinion thereupon to this Board before next Assembly in order that the conveniency and jnconveniencys of the said Act may be seen

Ordered accordingly

Mr Morris Junr in his place Reported from the Committee to whom was Committed the four following Bills, vizt The Bill Entituled, An Act for better Clearing Regulating and further laying out Publick High Roads in the County of West Chester. The Bill Entituled, An Act to Impower and Direct the Treasurer of this Colony for the time being to Deliver up a certain Bond Entered into by Gilbert Livingston for his Contract upon the Farm of the Excise in this Colony. The Bill Entituled, An Act for the better Clearing, Regulating and further Laying out Publick High Roads in Dutchess County, and the Bill Entituled, An Act for Naturalizing Jan De Wit Peteriz, Mary Reneau the Wife of Andrew Reneau, Ezekiel Barbauld and Jacques Gabriel Buvelot, That they had gone through the said Bills and was ready to make their Report when this Board would please to receive the same

Ordered, that the said Report be made jmmediately

Then Mr Morris in his place Reported that they had gone through the said Bill without any amendments

Ordered, that the said Bills be Read the third time

Then the said Bills were Read the third time and past without any amendments

Ordered that Mr Morris do acquaint the House of Representatives that this Board has past the said Bills without any amendments

Mr Morris likewise in his place Reported that the said Committee to whom was referred the Bill Entituled, An Act for the frequent calling and holding General Assemblys in the Colony of New York, that they had gone through the said Bill and was Ready to make their Report when this Board would please to Receive the same

Ordered, that the said Report be made jmmediately

Then Mr Morris in his place reported that they had gone through the said Billl with an Amendment

Ordered, that the said Bill be Read the third time as Amended

Then the said Bill was Read the third time as Amended

Ordered, that Mr Morris Junr do carry the said Bill with the Amendment made thereto to the House and desire their concurrence to the same

A Message from the Assembly by Majr Syms with the Bill Entituled, An Act to prevent Damages by Swine in the Precinct of Tappan and some other parts contiguous thereto in the County of Orange and desiring the concurrence of this Board thereto

Ordered, that the said Bill be Read the first time

Then the said Bill was Read the first time and

Ordered a second Reading

A Message from the Assembly by Mr Merril with the Bill Entituled. An Act to Enable the Justices of the Peace in the County of Richmond to Build a County House and a new Goal in the said County

A Message from the Assembly by Capt Van Horn with the Bill Entituled, An Act to raise the sum of one hundred and sixty eight pounds sixteen shillings and five pence half penny in the City and County of New York for discharging the Debts and Demands therein mentioned, and desiring the Concurrence of this Board thereto

Ordered, that the said Bill be Read the first time

Then the said Bill was Read the first time and

Ordered, a second Reading

At a Council held at Fort George in New York, Septembr ye 12th, 1728.

PRESENT — *His Excellency* JOHN MONTGOMERIE, Esqr, &ca,

Mr VAN DAM,	Mr MORRIS, Junr,
Mr CLARKE,	Mr ABRAH. VAN HORN,
Mr HARISON,	Mr Wm PROVOOST,
Mr ALEXANDER,	Mr KENNEDY.

A Message from the Assembly by Coll. Schuyler acquainting this Board that they cannot agree to the Amendment, made by the Council to the Bill Entituled, An Act for the frequent calling and holding General Assemblys in the Colony of New York Was Read

The question was put—

Whether this Board adhere to their Amendment to the said Bill?

Resolved, that this Board do adhere to the Amendment made to the said Bill

Ordered, that Mr Morris Junr do acquaint the house of Representatives that this Board does adhere to tho Amendment made to the said Bill

The Bill Entituled, An Act to prevent Damage by Swine in the Precinct of Tappan and some other parts contiguous thereto in the County of Orange Was Read the second time and Committed to the Gentlemen of the Board or any five of them

The Bill Entituled, An Act to Enable the Justices of the Peace in the County of Richmond to Build a County House and a new Goal in the said County Was Read the second time and Committed to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act to raise the sum of one hundred and sixty eight pounds sixteen shillings and five pence half penny in the City and County of New York Was Read the second time and Committed to the Gentlemen of this Board or any five of them

His Excellency withdrawing The Gentlemen of the Board Resolved into a Committee

His Ex^cy returning to the Council Chamber took his place

Post Meridiem

PRESENT as before

Mr Van Dam in his place Reported from the Committee to whom was Committed the two following Bills vizt The Bill Entituled, An Act to prevent Damage by Swine in the Precinct of Tappan and some other parts contiguous thereto in the County of Orange, and the Bill Entituled, An Act to Enable the Justices of the Peace in the County of Richmond to Build a County House and a new Goal in the said County, That they had gone through the said Bills and was ready to make their Report when this Board would please to receive the same

Ordered, that the said Report be made jmmediately

Then Mr Van Dam in his place Reported that they had gone through the said Bills without any amendments

Ordered, that the said Bills be Read the third time

Then the said Bills were Read the third time and past without amendments

Ordered, that Mr Van Dam do acquaint the House of Representatives that this Board has past the said Bills without any amendments

Ordered, that Captain Gerrit Van Horn, Johannes Jansen, Catalina Kip the widdow of Jacobus Kip, William Dugdale Esqr and Richd Nicholls Esqr the Persons claiming by a Bill Entituled, An Act to raise the sum of one hundred and sixty eight pounds sixteen shillings and five pence half penny in the City and County of New York for Discharging the Debts and Demands therein mentioned Do appear before a Committee of this Board in the Council Chamber at the hour of ten to morrow morning with their proper certificates and vouchers of their services mentioned in the said Act

At a Council held at Fort George in New York, September ye 13th, 1728.

PRESENT — *His Excell^cy* JN^o MONTGOMERIE, Esqr, &c^a,

M^r VAN DAM,
Mr CLARKE,
Mr HARISON,
Mr ALEXANDER,
Mr MORRIS, Junr,
Mr ABRAH VAN HORN,
Mr Wm PROVOOST.

Mr Van Dam in his place Reported from the Committee to whom was Committed the Bill Entituled, An Act to raise the sum of one hundred and sixty eight pounds sixteen shillings and five pence half penny in the City and County of New York, for Discharging the Debts and Demands therein mentioned, that they had gone through the said Bill and was Ready to make their Report when this Board would please to Receive the same

Ordered, that the said Report be made jmmediately

Then Mr Van Dam in his place Reported that they had gone through the said Bill without any amendments

Ordered, that the said Bill be Read the third time

Then the said Bill was Read the third time and past without amendments

Ordered, that Mr Van Dam do acquaint the House of Representatives that this Board has past the said Bills without amendments

A Message from the Assembly by Mr Willet with the Bill Entituled, An Act to Amend the practice of the Law and to Regulate the giving of Special Bail Acquainting this Board that they have agreed to the Amendments made by this Board to the Said Bill and have made an Amendment to those of the Council Was Read

Then the question was put

Whether this Board agreed to the Amendment of that House made to the Amendments of this Board to the Said Bill?

Resolved, that this Board does not Agree to the Amendment of that House.

Ordered, that Mr Harison do acquaint the house of Representatives that this Board does not agree to the amendment of that house made to the Amendments of this Board to the Said Bill

Mr Alexander in his place Read a Representation Concerning the Minutes taken by the Committee that Enquired about the grievances complained of by the Resolves of the Assembly of the 25th of November last, which being Read was accepted of by the Board and is as follows:—

May it please your Excellency,

We do humbly begg leave to Acquaint you that the order of this Board made on Saturday the thirty first day of August last, for Laying before this Board the Minutes taken by the Committee that Enquired Concerning the Grievances complained of by the Resolves of Assembly of the 25th of November last was served on Cadwallader Colden Esqr Chairman of this Committee the moment he was going from this Place to his family in the Country by leave from your Excellency who then delivered to us the Said Minutes

But we humbly begg leave to Acquaint your Excellency and this Board that we have many reasons why they should not be Entered on the minutes of this Board, in order that with our Representation they might also appear to the Board of Trade which was proposed as the jntent of the Said Order on the making thereof of which reasons we shall now mention only four and if these are not Esteemed Sufficient we shall begg leave to lay Some more before this Board for their Consideration

1st That Sundry of the members of this Committee did give their words and honours to Some of the Persons whose Depositions were taken that we Should never disclose them to their prejudice which we Conceived we might give in regard that if there was any necessity afterwards for their Depositions they might be amongst others Examined De Novo, By which like Depositions might be had without any necessity of knowing, that they had been Examined before, and that if the Depositions be Entered on the Minutes of this Board, it's possible accidents may happen (out of our Power to prevent) by which not only the Persons names may be Discovered, but also the matters they have Deposed. If which by any Accident Should happen its Submitted whether not only our words and honours would be forfeited, But also whether an Opportunity might not thereby be given to the Guilty to tamper with the Witnesses who deposed before us

2dly Whether if any Such accident should happen as that of the Discovery of the Witnesses names (who freely gave us informations) and the matters they have Deposed, It might not be the highest prejudice to his Majestys interest here and Even Endanger the Dependance of this Province Seeing in all probability these Witnesses would be thereby Laid open to the like violent Slanders, Clamours and Threats with which Some of us have been Loaded, and Especially Seeing its notorious threats of Expulsion have been Spread about of any member that Should discover the Secrets of the House of Representatives, and whether that fate (happening to those Witnesses would not Deterr every Person hereafter to make any Discovery of the actions of the House of Representatives, If Even Such a thing should ever happen (which God forbid) that they should be there deliberating methods to throw off their Dependence on the Crown, Especially when so bold a Step by them is made as that by their Resolves of the 30th of July last to Claim the Priviledge of being no way accountable to any Person or Persons for what they do, which can only belong to a Supream and Independent Power, and Seeing they Resolve to take Effectual Measures to Secure that assumed Priviledge to themselves, than which we conceive a more Effectual way Cannot be than the Suffering of these Witnesses to undergo the Resentment of the House

3dly Seeing the Assembly are so bold by their Resolves of the 30th of July as to Lay their Commands on the Clerk of this Board to Discover the proceedings thereof with which Commands he has been actually served, whether if these Depositions were in his Custody it might not Expose him to violence from them to compell him to Discover them, For if they have right to give such order They of consequence have right to Enforce it by Compelling him to the obedience thereof, And whether if by that or any other way they should obtain that Discovery the consequences may not reasonably be expected to be, That such of their members who have been so Loyal as to Discover the truth to us, will be jmmediately Expelled, and the greatest odium fixt upon them and they and other Persons laid open to their highest displeasure, and whether that would not be in Effect Establishing Loyalty for a crime, and be encouraging all the attempts that can be made by them on the Prerogative, and whether that would not be opening a Plain gate for the independance of this Colony Besides the giving an opportunity to tamper with the witnesses as heireinbefore is hinted

4thly That the practice has been heretofore on matters referred to Committees of this Board if in their nature short and Easy, to take no minutes at all, but barely to make a Report, and in matters Difficult only to take minutes in order for the better memories of the members in forming their Report, and when the Report was approved of have not beeir hardly at any time preserved. However we have preserved these minutes rough as they were taken, and are ready to Lodge them in his Excellencys hands, to the End that his Excellency may transmit them or attested copys thereof (as his Excellency shall think most proper) to the Board of Trade along with our Representation, and its humbly submitted whether that will not answer all the purposes Designed by the said order

Ja: Alexander
Lewis Morris Junr

Ordered, that the Delivering the minutes of the Committee mentioned in the said Representation to his Ex^cy^ be accepted of as a complyance wth ye order of this Board of the 31st of August last

At a Council held at Fort George in New York, September the 18th, 1728.

PRESENT — *His Exell^y^* JN^o^ MONTGOMERIE, Esqr, &c.,

Capt WALTER,
M^r^ VAN DAM,
Mr HARISON,
Mr ALEXANDER,
Mr MORRIS, Junr,
Mr Wm PROVOST,
Mr KENNEDY.

A Message from the Assembly by Major Symms Acquainting this Board that they do recede from their Amendment made to the Amendments of this Board to the Bill entituled, An Act to Amend the practice of the Law and to regulate the giving of special Bail

A Message from the Assembly by Maj^r^ Hutchinson with the Bill entituled, An Act for the better perfecting and compleating a publick common Highway through the County of Ulster and desiring the concurrence of the Board thereto

Ordered, that the said Bill be read the first Time

Then the said Bill was read the first time and

Ordered a second reading

A Message from the Assembly by Mr Gerritsen with the Bill Entituled, An Act for Naturalizing Thomas Timmer and Desiring the concurrence of this Board thereto

Ordered, that the said Bill be read the first Time

Then the said Bill was read the first time and

Ordered a second Reading

The Bill entituled, An Act for the better perfecting and compleating a publick common Highway thro' the County of Ulster

Ordered, that the said Bill be read the Second Time

Then the said Bill was read the second time and Committed to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act for Naturalizing Thomas Timmer Was read the second time and Committed to the Gentlemen of this Board or any five of them.

His Excellency withdrawing The Gentlemen of the Board resolved into a Committee

His Excellency returning to the Council Chamber took his place

Post Meridiem

PRESENT as before

Mr Harison Chairman of the Committee to whom was Committed the two following Bills viz The Bill Entituled, An Act for the better perfecting and Compleating a publick Common Highway through the County of Ulster and the Bill Entituled, An Act for Naturalizing Thomas Timmer in his place reported from the said Committee that they had gone through the said Bills and was ready to make their report when this Board would receive the same.

Ordered, that the said Report be made Immediatly.

Then Mr Harison in his place Reported that they had gone through the said Bills without any Amendments

Ordered, that the said Bills be read the third time

Then the said Bills were read the third time and past without any amendments

Ordered, that Mr Harison do acquaint the House of Representatives that this Board has past the said Bills without any Amendments

At a Council held at Fort George in New York, September the 19th, 1728.

PRESENT — *His Excellency* JOHN MONTGOMERIE, Esqr, &c^a^,

Capt WALTER,
M^r^. VAN DAM,
Mr CLARKE,
Mr HARISON,
Mr ALEXANDER,
Mr MORRIS Junr,
Mr ABRAH VAN HORNE,
Mr PHILL LIVINGSTON.

A Message from the Assembly by Mr Merril with the Bill entituled, An Act for regulating Fences for the several Citys and Countys within this Colony of New York and desiring the Concurrence of this Board Thereto

Ordered, that the Said Bill be read the first Time
Then the said Bill was read the first Time and
Ordered a second reading
A Message from the Assembly by Mr Willet with the Bill Entituled, An Act to Let to Farm the Excise of Strong Liquors retailed in this Colony for the time therein mentioned and for declaring Shrubb Lyable to the same dutys as distilled Liquors and desiring the concurrence of this Board thereto
Ordered, that the said Bill be read the first time
Then the said Bill was read the First Time and
Ordered a Second Reading
A Message from the Assembly by Coll. Myndert Schuyler with the Bill Entituled, An Act for confirming the Act therein mentioned with some alterations and additions for paying provisions and other stores and services already furnished and done for the use of the Trading house at Oswego and for subsisting it during the time therein mentioned for borrowing money for those purposes and providing Fonds for the repayment thereof and desiring the concurrence of this Board thereto
Ordered, that the said Bill be read the First Time
Then the said Bill was read the first Time and
Ordered a second reading
Then The said Bill was read the second time and committed to the Gentlemen of the Board or any five of them
His Excellency withdrawing The Gentlemen resolved in a Committee
After some time his Excellency returning to the Council Chamber took his place

Post Meridiem

PRESENT as before

Mr Harison in his place reported from the Committee to whom was Committed the Bill entituled, An Act for regulating fences for the severall Citys and Countys within this Colony of New York that they had gone through the said Bill and was ready to make their report when this Board would please to receive the same
Ordered, That the said report be made Immediatly
Then Mr Harison in his place reported that they had gone through the said Bill with some amendments
Then the said Bill was Read the Third time as amended
Ordered, that Mr Harison do cary the said Bill with the amendments made thereto to the house of representatives and desire their concurrence to the same
Mr Harison Likewise reported from the said Committee that they had gone through the Bill entituled, An Act to Let to ffarm the Excise of Strong Liquors retailed in this Colony for the time therein mentioned and for declaring Shrub Lyable to the same dutys as distilled Liquors without any amendments
Ordered, that the said Bill be read a third Time
Then the said Bill was read the third time and past without amendment.
Ordered. That Mr Harison do acquaint The house of Representatives that this Board has past the said Bill without any amendments
Mr Harison further reported from the said Committee that they had gone through the Bill Entituled, An Act for confirming the Act therein mentioned with some alterations and additions for paying provisions and other stores and services already furnished and done for the use of the Trading House at Oswego, and for subsisting it during the time therein mentioned for borrowing money for those purposes and providing Fonds for the repayment thereof without any amendments.
Then Mr Harison from the said Committee acquainted his Excellency and Council of the hardships this Board lyes under by the Assemblys sending Bills so late to this Board which he represented to the Board in the following Words vizt
That we are sensible that The House lays this Board under hardships by sending up Bills of Importance so Late that we have not due time to consider them and we wish your Excellency at the beginning of the next Session would provide against so great an inconvenience in such manner as to your Excellencys wisdom shall seem most Expedient.
The Bill remits several fines forfeitures and penaltys the latter of which are created by the Common Law of England but the necessity of supporting his Majestys Garrison of Oswego induces us to consent to this Act Least that Garison and our Indian Trade and Interest wth the Indian Nations should be lost by any disputes which might arise between the Council and Assembly upon a more regular method of supporting both, and we are the Less inclined to refuse this Bill altho' we have now the Leizure to consider some of the ill consequences attending it as the support of the House at Oswego and the real good purposes thereof will be thereby effected Altho' his Majesty should upon Consideration of any other matters therein contained dissallow the same Wherefore we report the Bill without any Amendments

Whereupon his Excellency acquainted the Board that he would neglect nothing that might be thought adviseable by this Board to prevent the Inconveniencys before mentioned

Ordered, that the said Bill be read the third time

Then the said Bill was read the third time and past without any Amendments

Ordered, that Mr Harison do acquaint the House of Representatives that this Board has past the said Bill without Amendments

A Message from the Assembly by Mr Phillip Schuyler with the Bill Entituled, An Act for raising and Levying the sum of two hundred pounds for repairing the Barracks in his Majestys Fort George in the City of New York and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read the First time

Then the said Bill was read the first time and

Ordered a second reading

Then the said Bill was read the second time and Committed to the Gentlemen of this Board or any five of them

His Excellency withdrawing The Gentlemen resolved into a Committee

After some time his Excellency returning to the Council Chamber took his place

Then Mr Harison in his place Reported from the Committee to whom was Committed the said Bill that they had gone through the said Bill and was Ready to make their report when this Board would please to receive the same

Ordered, that the said Report be made Immediatly

Then Mr Harison in his place reported that they had gone through the said Bill without any Amendments

Ordered, that the said Bill be read the third time

Then the said Bill was read the third time and past without Amendments

Ordered, that Mr Harison do acquaint the House of Representatives that this Board has past the said Bill without any Amendments

At a Council held at Fort George in New York, September 21st, 1728.

PRESENT— *His Excellency* JOHN MONTGOMERIE, Esqr, &ca,

Capt WALTER,
Mr VAN DAM,
Mr CLARKE,
Mr HARISON,
Mr ALEXANDER,
Mr ABRAH VAN HORNE,
Mr Wm PROVOOST.

Mr Phillip Livingston one of the Members of this Board prays that it may be remembered that in the Committee upon the Bill Entituled, An Act for confirming An Act therein mentioned with some alterations and additions for paying provisions and other stores and services already furnished and done for the use of the Trading House at Oswego, he did object to that clause thereof which insinuates that the Town Clerk of Albany had been Guilty of a Breach of An Act therein mentioned and which remits the penalty for that breach he being the said Town Clerk did yesterday in Council and now by these presents doth declare that he was not guilty of any breach of that Act and that he had never directly or indirectly desired any remittance of the penalty for any breach of the said Act and prays that this his declaration may be Entred in the minutes

Which is granted accordingly

Ordered, that the Deputy Clerk of the Board do acquaint the house of Representatives that his Excellency requires their immediate attendance at the Council Chamber

The Assembly accordingly attending with their Speaker his Excellency gave his Assent to the following Bills vizt

1 An Act for Better Clearing Regulating and further Laying out publick highroads in the County of Westchester

2 An Act to empower and direct the Treasurer of this Colony for the time being to deliver up a certain Bond Entred into by Gilbert Livingston for his Contract upon the Farm of the Excise in this Colony.

3 An Act for the better Clearing regulating and further Laying out publick highroads in Dutchess County

4 An Act for Naturaliziug Jan De Wit Peterse, Mary Reneaw the wife of Andrew Reneaw' Ezekiel Barbauld and Jaques Gabriel Buvolet

5 An Act to Amend the practice of the Law and to regulate the giving of Special Bayl

6 An Act to Enable the Justices of the peace in the County of Richmond to build a County house and a new Goal in the said County.

7 An Act to prevent Damage by Swine in the precinct of Tappan and some other parts contiguous thereto in the County of Orange

8 An Act to raise the sum of one hundred and sixty eight pounds sixteen shillings and five pence half penny in the City and County of New York for discharging the Debts and Demands therein mentioned

9. An Act for Naturalizing Thomas Timmer

10. An Act for the better perfecting and compleating a publick common highway through the County of Ulster

11. An Act to Let to Farm the Excise of Strong Liquors Retailed in this Colony for the time therein mentioned and for declaring Shrub Lyable to the same Dutys as distilled Liquors

12. An Act for regulating Fences for the several Citys and Countys within the Province of New York

13. An Act for confirming the Act therein mentioned with some alterations and additions for paying provisions and other stores and services already furnished and done for the use of the trading house at Oswego and for subsisting it during the time therein mentioned for borrowing money for those purposes and providing Fonds for the Repayment thereof

14. An Act for raising and Levying the sum of two hundred pounds for repairing the Barracks in his Majestys Fort George in the City of New York

Then his Excellency recommended the House to adjourn themselves untill the first Tuesday in April next.

TWENTIETH ASSEMBLY SECOND SESSION.

At a Council held at Fort George in New York, May the 5th, (Sic for 14th) 1729.

PRESENT — *His Excelleney* JOHN MONTGOMERIE, Esqr, &ca,

Mr VAN DAM, Mr HARISON,
Mr CLARKE, Mr KENNEDY.

Ordered, that the Deputy Clerk of this Board do acquaint the House of Representatives that his Excellency requires their immediate attendance at the Council Chamber

The Assembly accordingly attended with their Speaker, His Excellency made the following Speech to them in *Hæc Verba*

Gentlemen

I have called you together, to concert, and concurr with you in advancing the Interest and Prosperty of this Province: and I take this occasion of Acquainting you, that Since your adjournment, I met the Six Nations of Indians at Albany, and I do assure you with great pleasure and Satisfaction, that I find them thoroughly attached to our interest, you will see this Confirmed by their Publick Conferrences with me, which if you desire shall be laid before you

They think the House at Oswego which has been Builded and hitherto Supported by you, of so great Consequence to themselves and us that they expect you will keep a Garrison there, and we Shall appear very Contemptible in the Eyes of the World, if you do not Seasonably and Amply provide for the maintenance and Support of it, which I earnestly and heartily recommend to you.

The Indians on their part promise to assist us against any Power that dares to attack it

I am sorry that the Expenses of that place has been so Burthensome to the Province, but I believe there will be methods proposed to you of doing it at far less Charge, than what it has hitherto Cost you. I leave that entirely to your Consideration not doubting but you will Provide for it effectually, and the less Expence the Province is at, it will be the more pleasing to me

I have one thing more to recommend to you, which is appointing An Agent to Solicite your affairs at the Court of Great Britain, and I must take this occasion of doing Justice to the Gentleman you last employed, by letting you know that to my certain knowledge, he Served you Diligently and honestly, and very well deserves the Continuance of the trust you reposed in him.

J. MONTGOMERIE

At a Council held at Fort George in New York, June the 5th, 1729.

PRESENT — *His Excellency* JOHN MONTGOMERIE, Esqr,

Mr VAN DAM,
Mr CLARKE,
Mr ALEXANDER,
Mr ABRAH VAN HORNE,
Mr KENNEDY.

A Message from the Assembly by Mr Livingston with the Bill Entituled, An Act for the more Easy acknowledgement of Deeds and the Amendments of the Board thereto the last Sessions acquainting this Board that the Assembly cannot agree to the first Amendment of this Board to be added to the title of the Bill They also can not agree to the leaving out the first seven Lines of the Bill but do agree to leave out the remainder of their Amendments in the first page and that that House disagree to all the other Amendments made by this Board to the said Bill and that they desire the concurrence of this Board thereto.

Ordered, that the said Message be Committed to the consideration of the Gentlemen of this Board or any five of them & that the said Bill be recommitted to the same Committee

A Message from the Assembly by Captain Glen with the Bill Entituled, An Act to Impower the Justices of the Peace of the County of Albany living or dwelling in the Township of Schenectady in the said County to regulate the streets and Highways and to prevent accidents by Fire in the said Town and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read the first Time.

Then the said Bill was read the First time and

Ordered a second Reading

A Message from the Assembly by Major Plat with the Bill Entituled, An Act for the further Continuing An Act Entituled, An Act for the farther Laying out, Regulating and better clearing publick highways in the County of Suffolk and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read the first Time

Then the said Bill was Read the first Time and

Ordered a second Reading

At a Council held at Fort George in New York, June the 12th, 1729.

PRESENT — *His Excellency* JOHN MONTGOMERIE, Esqr,

Mr VAN DAM,
Mr CLARKE,
Mr HARISON,
Mr ALEXANDER,
Mr MORRIS, Junr,
Mr Wm PROVOOST.

The Bill Entituled, An Act for the further Continuing An Act Entituled, An Act for the further Laying out Regulating and better clearing publick Highways in the County of Suffolk Was read the second time, and Committed to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act to Impower the Justices of the peace of the County of Albany Living or dwelling in the Township of Schenectady in the said County to regulate the streets and Highways and to prevent accidents by Fire in the said Town Was read the second time and Committed to the Gentlemen of the Board or any five of them

A Message from the Assembly by Capt Rutgers with the Bill Entituled, An Act for the further continuing the Currency of Bills of Credit struck and Issued in the year one thousand seven hundred and twenty, to the value of five thousand ounces of plate until the first day of July one thousand seven hundred & thirty and desiring the concurrence of this Board thereto

Ordered, that the Said Bill be read the first Time

Then the Said Bill was read the first time and

Ordered a Second Reading

A Message from the Assembly by Coll Myndert Schuyler with the Bill Entituled, An Act to Lett to farm the Excise of Strong Liquors Retailed in this Colony for the time therein mentioned and For declaring Shrub Lyable to the Same dutys as Distilled Liquors and Desiring the Concurrence of this Board thereto

Ordered, that the Said Bill be read the first time

Then the Said Bill was read the first time and

Ordered a Second reading

A Message from the Assembly by Major Ranslear with the Bill Entituled, An Act to prevent Dissertion from his Majestys forces in the province of New York and desiring the Concurrence of this Board thereto

Ordered, That the Said Bill be read the first time

Then the Said Bill was read the first time and

Ordered a Second Reading

A Message from the Assembly by Mr Speaker, Mr De Lancey and Major Phillipse desiring his Excellency and the Gentlemen of this Board will be pleased to Join with them in a proper Representation to obtain An Act of parliament for the Importation of Salt from Europe into this Colony which they Conceive will be A Vast advantage to the Countrey and the navigation thereof was read

Whereupon it is

Ordered, that the Deputy Clerk of this Board do Acquaint the House of Representatives that this Board has appointed Mr Van Dam, Mr Clarke, Mr Harison, Mr Alexander and Mr Kennedy or any three of them to be a Committee to Joyn a Committee of that House in Drawing a proper Representation for the purposes aforesd And that the Said Committee will meet in order thereto at the House of Obadiah Hunt in this City too Morrow at five a Clock in the Afternoon

At a Council held at Fort George in New York, June 13th, 1729.

PRESENT — *His Excy* JOHN MONTGOMERIE, Esqr, &ca,

Mr CLARKE,
Mr HARISON,
Mr ALEXANDER,
Mr MORRIS, Junr,
Mr Wm PROVOOST,
Mr KENNEDY.

Mr Morris in his place reported from the Committee to whom was recommitted the Bill Entituled, An Act for the more Easy Acknowledgement of Deeds that they had further Considered of the Said Bill together with a Message of the House of Representatives of the 22d of May Last relating to the Amendments made by this Board thereto and was ready to make their report when this Board would please to receive the Same

Ordered, that the said Report be made immediatly

Then Mr Morris in his place reported that they had gone through the said Bill a second time and considered of the said message and that they adhered to their amendments to the said Bill

Then his Excellency put the Question

Whether the Board adher'd to their Amendments made to the said Bill?

Which was answered in the affirmative

Resolved, that this Board do adhere to their Amendments to the said Bill

Ordered, that Mr Morris Junr do acquaint the House of Representatives thereof, and at the same time he further acquaint them that this Board desires that House will be pleased to appoint a Committee to Join a Committee of this Board in a conferrence upon the subject matter of the said Bill and the amendments to the same

The Bill Entituled, An Act for the further continuing the Currency of Bills of Credit struck and issued in the year one thousand seven hundred and twenty to the value of five thousand ounces of plate until the first day of July one thousand seven hundred and thirty was read the second time and committed to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act to Continue An Act Entituled, An Act to Let to farm the Excise of Strong Liquors Retailed in This Colony for the Time therein mentioned and for declaring Shrub lyable to the same dutys as distilled Liquors was read the Second Time and committed to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act for Reviving An Act Entituled, An Act to prevent Desertion from his Majestys forces in the province of New York Was read the Second time and committed to the Gentlemen of this Board or any five of them

At a Council held at Fort George in New York, June the 19th, 1729.

PRESENT — *His Excellcy* JOHN MONTGOMERIE, Esqr,

Mr VAN DAM,
Mr CLARKE,
Mr ALEXANDER,
Mr PHIL. LIVINGSTON.

Upon reading an order of the House of Representatives appointing Coll Hicks, Mr Gilbert Livingston, Coll Hutchinson, Coll Phill. Schuyler, Mr Gerritsen, Major Renslaar and Coll Beekman or any five of them to be a Committee of that House to meet a Committee of this Board to conferr upon the subject matter of the Bill Entituled, An Act for the more Easy acknowledgement of Deeds together with the Message of that House of the 22d May last relating to the amendments of this Board thereto. It is

Ordered, that the Deputy Clerk of this Board do acquaint the House of Representatives that this Board has appointed the members present with Mr Harison or any five of them to be a

Committee to Join a Committee of that House to Conferr upon the subject matter of the said Bill and the said Message and that they meet at seven a clock in the Evening of this Day at the house of John D'Honneur within this City

Mr Phillip Livingston in his place Reported from the Committee to whom was Committed the Bill entituled, An Act for reviving An Act Entituled, An Act to prevent Disertion from his Majestys Forces in the province of New York that they had gone through the said Bill and was Ready to make their Report when this Board would please to receive the same

Ordered, that the said Report be made immediatly

Then Mr Livingston in his place Reported that they hade gone through the said Bill and made some additions thereto

Ordered, that the said Bill with the additions made thereto be read the third time

Then the said Bill was read the third Time with the said additions

Ordered, that Mr Livingston do carry the said Bill with the additions made thereto to the House of Representatives and desire their concurrence to the same

Mr Livingston likewise Reported from the Committee to whom was Committed the two following Bills Vizt the Bill Entituled, An Act for the further continuing the Currency of Bills of Credit struck and issued in the year one thousand seven hundred and twenty to the value of Five thousand ounces of plate until the first day of July one thousand seven hundred & thirty and the Bill Entituled, An Act to continue An Act to Let to Farm the Excise of Strong Liquors Retailed in this Colony for the time therein mentioned & for declaring Shrub Lyable to the same dutys as distilled Liquors, that they had gone thro' the said Bills without any Amendments

Ordered, that the said Bills be read the Third Time

Then the said Bills were read the third time and past without any Amendments

Ordered, that Mr Livingston do acquaint the House of Representatives that this Board has past the said Bills without any Amendments

At a Council held at Fort George in New York, June ye 26th, 1729.

PRESENT — *His Excellency* JOHN MONTGOMERIE, Esqr, &c,

Mr VAN DAM,
Mr CLARKE,
Mr HARISON,
Mr MORRIS, Junr,
Mr Abm VAN HORN.

A Message from the Assembly by Coll Phillip Schuyler Acquainting this Board that that house have agreed to the Amendments and additions of this Board to the Bill Entituled, An Act for reviving An Act Entituled, An Act To prevent Desertion from his Majestys Forces in the province of New York

The Bill Entituled, An Act to Confirm the precincts in the County of Richmond was read the Second time & Committed to the Gentlemen of this Board or any five of them

A Message from the Assembly by Coll Chambers with the Bill Entituled, An Act for the better Clearing and further Laying out publick High Roads in the County of Ulster and desiring the Concurrence of this Board thereto

Ordered, That the Said Bill be read The First Time

Then the Said Bill was read the first Time and

Ordered a Second Reading

At a Council held at Fort George in New York, June the 27th, 1729.

PRESENT — *His Excellency* Jno MONTGOMERIE, Esqr,

Mr CLARKE,
Mr HARISON,
Mr ALEXANDER,
Mr AB. VAN HORNE,
Mr PHIL LIVINGSTON,
Mr Jas DE LANCEY.

Ordered, that Mr Harison do Acquaint the House of Representatives that the Committee of this Board by whom reasons were given for the Amendments of the Council to the Bill Entituled, An Act for the more Easy Acknowledgement of Deeds desire a free Conferrence with the Committee of that House on the Subject matter thereof

The Bill Entituled, An Act for the better Clearing, Regulating and further Laying out Publick High Roads in the County of Ulster Was read the Second time and Committed to the Gentlemen of the Council or any five of them

At a Council held at Fort George in New York, June the 30th, 1729.

PRESENT — *His Excellency* JOHN MONTGOMERIE, Esqr, &c.,

Mr VAN DAM,
Mr CLARKE,
Mr HARISON,
Mr ABRAH VAN HORN,
Mr PHILL LIVINGSTON,
Mr JAMES DE LANCEY.

Upon reading the Message from the House of Representatives by Mr Matthews Acquainting this Board that that House do Agree to a free Conferrence with the Committee of this Board by whom reasons were given for the Amendments of the Council to the Bill Entituled, An Act for the more Easy Acknowledgement of Deeds. It is

Ordered, that Mr Harison do acquaint the said House that the Committee of the Board by whom the said Reasons were Given will meett the Committee of that House in a free Conferrence on the subject matter thereof at six a clock in the Evening of this Day at the House of John D'Honneur in this City.

A Message from the Assembly by Coll Hutchinson with the Bill Entituled, An Act for Naturalizing John Frederick Gunter, Phillip Jacob Bomper, Junr, Jacques Gabriel Buvolet, Micheal Cario, Samuel Myers, David Hays and Judah Hays and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read the first time

Then the said Bill was read the first Time and

Ordered a Second Reading

A Message from the Assembly by Major Platt with the Bill Entituled, An Act to ascertain the allowance to the Representatives for the County of Suffolk and for other purposes therein mentioned and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read the first time

Then the said Bill was read the first Time and

Ordered a Second Reading

At a Council held at Fort George in New York, July the 2d, 1729.

PRESENT — *His Excellency* JOHN MONTGOMERIE, Esqr, &c.,

Mr CLARKE,
Mr HARISON,
Mr ABRAHAM VAN HORN,
Mr PHILL LIVINGSTON,
Mr KENNEDY,
Mr JAMES DE LANCEY.

Mr Harrison acquainted the Board that the Committee appointed by the Council to meet a Committee of the House of Representatives in a free Conferrence on the subject matter of the the amendments made by this Board to the Bill Entituled, An Act for the more Easy Acknowledgment of Deeds, that they had met the Committee of that House accordingly but that the said Committee acquainting them they were not fully Instructed to proceed thereon the Conferrence broke up.

Whereupon his Excellency put the Question

Whether the Board adhere to their Amendments to the said Bill?

It passed in the affirmative

Resolved, That the Board do adhere to their amendments to the said Bill

The Bill entituled, An Act to ascertain the allowance of the Representatives for the County of Suffolk and for other purposes therein mentioned was read the second time and committed to the Gentlemen of this Board or any five of them

The Bill entituled, An Act for Naturalizing John Frederick Gunter, Phillip Jacob Bomper, Junr, Jacques Gabriel Buvelot, Micheal Cario, Samuel Myers, David Hays and Judah Hays was read the Second Time and Committed to the Gentlemen of this Board or any five of them

A Message from the Assembly by Capt Van Horn with the Bill Entituled, An Act for the Effectual recovery of the several Taxes and of the Excise therein mentioned and for securing the dutys on Slaves not imported in the City of New York and for empowering the Treasurer for these purposes and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read the first time

Then the said Bill was read the first time and

Ordered, a second Reading

A Message from the Assembly by Major Ranslear with the Bill Entituled, An Act for the better Clearing, Regulating and Further Laying out publick High Roads in the City and County of Albany and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read the first time

Then the said Bill was read the first time and

Ordered a second Reading

Mr James De Lancey in his place Reported from the Committee to whom was Committd the Bill Entituled, An Act for the better Clearing, Regulating and further Laying out publick High Roads in the County of Ulster Reported that they had gone through the said Bill and was ready to make their Report when this Board would please to receive the same

Ordered, that the said Report be made immediatly

Then Mr Delancey in his place Reported that the said Committee had gone through the said Bill and made some Amendments thereto

Ordered, that the said Bill be read the third time with the Amendments made thereto

Then the said Bill was read the third time as amended and past

Ordered, that Mr De Lancey do acquaint the House of Representatives that this Board has past the said Bill with some Amendments and that he carry the said Bill with the Amendments made thereto and desire their concurrence to the same

Post Meridiem.

At a Council held at Fort George in New York, July 2d, 1729.

PRESENT — *His Excellency* JOHN MONTGOMERIE, Esqr, &c,

Mr CLARKE,
Mr HARISON,
Mr LIVINGSTON,
Mr KENNEDY,
Mr DE LANCEY.

The Bill Entituled, An Act for the effectual recovery of the several taxes and of the Excise therein mentioned and for securing the dutys on Slaves not imported into the City of New York and for impowering the Treasurer for that purpose, was read the second time and Committed to the Gentlemen of this Board or any five of them

The Bill Entituled, An Act for the better Clearing, Regulating and further Laying out publick High roads in the City and County of Albany Was read the Second time and Committed to the Gentlemen of this Board or any five of them

Mr Livingston in his place reported from the Committee to whom was Committed the four following Bills vizt the Bill entituled, An Act to Continue An Act Entituled, An Act to empower the Justices of the peace of the County of Albany Living or dwelling in the Township of Schenectady in the Said County to regulate the Streets and Highways and to prevent accidents by fire in the Said Town

The Bill entituled, An Act for the further Continuing An Act Entituled, An Act for the further Laying out Regulating and better Clearing publick Highways in the County of Suffolk and for other purposes therein mentioned

And the Bill entituled An Act to Ascertain the Allowance to the Representatives of the County of Suffolk and for other purposes therein mentioned

And the Bill Entituled, An Act for Naturalizing John Fredrick Gunter, Phillip Jacob Bomper Junr, Jaques Gabriel Buvelot, Micheal Cario, Samuel Myers, David Hays and Judah Hays

That they had Gone through the Said Bills and was ready to make their report when this Board would please to receive the Same

Ordered. that the Said Report be made immediatly

Then Mr Livingston in his place reported that the Said Committee had gone through the Said Bills without any Amendments

Ordered, that the Said Bills be read the Third time

Then the Said Bills were Read the third time and past without any Amendments

Ordered, that Mr Livingston do Acquaint the House of Representatives that this Board has past the Said Bills without any Amendments

At a Council held at Fort George in New York, July the 4th, 1729.

PRESENT — *His Excellency* JOHN MONTGOMERIE, Esqr, &ca,

Mr VAN DAM,
Mr CLARKE,
Mr HARISON,
Mr AB. VAN HORNE,
Mr LIVINGSTON,
Mr KENNEDY,
Mr JAMES DE LANCEY.

Mr Harison Chairman of the Committee to whom was Committed the Bill Entituled, An Act for the Effectual recovery of the Several taxes & of the Excise therein mentioned & for Securing

the dutys on Slaves not imported in the City of New York and for empowering the Treasurer for that purpose, that they had Gone through the Said Bill and was ready to make their report when this Board would be pleased to receive the Same

Ordered, that the Said Report be made immediatly

Then Mr Harison in his place Reported that the Said Committee had gone through the Said Bill and made Some Amendments thereto

Ordered, That the Said Bill be Read the third time as Amended

Then the Said Bill was read the third time as Amended and past

Ordered, that Mr Harison do Acquaint the House of Representatives that this Board has past the Said Bill with Some Amendments made thereto and desire their Concurrence to the Same

Post Meridiem

At a Council held at Fort George in New York, July the 8th, 1729.

PRESENT— *His Excellency* JOHN MONTGOMERIE, Esqr, &ca,

Mr. VAN DAM,
Mr HARISON,
Mr PHIL. LIVINGSTON,
Mr KENNEDY,
Mr JAMES DE LANCEY.

Mr De Lancey in his place reported from the Committee to whom was Committed The Bill entituled, An Act for the better clearing, regulating and Laying out publick Highroads in the City and County of Albany that they had gone through the said Bill and was Ready to make their Report when this Board would please to receive the same

Ordered, that the said Report be made immediately

Then Mr De Lancey in his place Reported that the said Committee had gone through the said Bill and made some Amendments thereto

Ordered, that the said Bill be read the third time as amended

Then the said Bill was read the third time as amended and past

Ordered, that Mr De Lancey do acquaint the House of Representatives that this Board has past the said Bill with some Amendments and that he carry the said Bill with the Amendments made thereto to the said House and desire their concurrence to the same

A Message from the Assembly by Coll Gaasbeck acquainting this Board that that House agreed to the amendments made by the Council to the Bill Entituled, An Act for the better Clearing, Regulating and further Laying out Publick High Roads in the County of Ulster

A Message from the Assembly by Mr Livingston with the Bill Entituled, An Act for continuing and Enforcing the Acts therein mentioned, for discharging the present Demands on the Trading House at Oswego, by borrowing money of the Excise, for the Effectual support of it, untill the twenty fifth day of December one thousand seven hundred and thirty three For continuing some Dutys and augmenting others untill that time, For Regulating those Dutys and the Trade at Oswego, For the Gradual Repayment of money borrowed of the Excise and for reducing former Fines if voluntarily paid within the time therein Limited and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read the first time

Then the said Bill was read the first time and

Ordered a second reading

At a Council held at Fort George in New York, July the 9th, 1729.

PRESENT — *His Excellency* JNO MONTGOMERIE, Esqr,

Mr VAN DAM,
Mr HARISON,
Mr PHIL LIVINGSTON,
Mr KENNEDY,
Mr VAN HORN,
Mr JAMES DE LANCEY,

The Bill Entituled, An Act for the continuing and Enforcing the Acts therein mentioned, for discharging the present demands on the Trading House at Oswego, by borrowing money of the Excise, for the Effectual support of it untill the twenty fifth day of December one thousand seven hundred and thirty three, For continuing some Dutys and augmenting others untill that time, for Regulating those Dutys and the Trade at Oswego, For the Gradual Repayment of money borrowed of the Excise, and for reducing former Fines if voluntarily paid within the time therein mentioned, was read the second time and Committed to the Gentlemen of this Board or any Five of them

At a Council held at Fort George in New York, July the tenth, 1729.

PRESENT — *His Excellency* JOHN MONTGOMERIE, Esqr, &c^a,

M^r VAN DAM,
Mr HARISON,
Mr ALEXANDER,
Mr ABRAHAM VAN HORNE,
Mr PHILL LIVINGSTON,
Mr KENNEDY,
Mr JAMES DE LANCEY.

A Message from the House of Representatives by Major Ranslear acquainting this Board that that House have agreed to the amendments made by this Board to the Bill entituled, An Act for the better clearing Regulating and further Laying out publick Highroads in the County of Ulster

A Message from the Assembly by Coll Myndert Schuyler with the Bill Entituled, An Act for raising & Levying the sum of seven hundred & thirty pounds for the uses therein mentioned for borrowing part thereof and for appointing an Agent at the Court of Great Brittain and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read the ffirst time

Then the said Bill was read the first time and

Ordered a Second Reading

The Representation of his Excellency the Govr Council and Assembly of this province to the Right Honble the Lord Commissioners of the Treasury for the obtaining An Act of parliament for the importation of European Salt into this province, was read and signed by his Excell^y and the Gentlemen of the Council and sent to the Assembly for their Signing*

Post Meridiem

PRESENT as before as likewise Mr CLARKE

The Bill Entituled, An Act for raising and Levying the sum of seven hundred & thirty pounds for the uses therein mentioned for borrowing part thereof and for appointing an Agent to the Court of Great Brittain was Read the second time & committed to the Gent of the Board or any five of them

A Message from the Assembly by Major Ranslear acquainting this Board that that House do agree to the amendments made by the Council to the Bill Entituled, An Act for the better clearing Regulating and ffurther Laying out publick High Roads in the City and County of Albany.

Mr Livingston in his place reported from the Committee to whom was Committed the two following Bills vizt The Bill Entituled, An Act for Raising and Levying the sum of seven hundred & thirty pounds for the uses therein mentioned for borrowing part thereof and for appointing an Agent at the Court of Great Brittain and the Bill Entituled, An Act for the continuing and Enforcing the Acts therein mentioned For discharging the present demands on the Trading House at Oswego by borrowing money of the Excise, For the Effectual Support of it untill the twenty fifth day of December one thousand seven hundred and thirty three For continuing some dutys and augmenting others untill that time For Regulating those dutys and the Trade at Oswego, for the gradual repayment of money borrowed of the Excise and for reducing former Fines if voluntarily paid within the time therein mentioned, That they had Gone through the said Bills and was ready to make their Report when this Board would please to receive the same

Ordered, that the said Report be made Immediatly

Then Mr Livingston in his place reported that the said Committee had gone through the said Bills without any amendments

Ordered, That the said Bills be read the third Time

Then the said Bills were read the third time and past without any Amendments

Ordered, That Mr Livingston do acquaint the House of Representatives that this Board has past the said Bills without any Amendments

A Message from the Assembly by Coll Hicks acquainting the Board that that House cannot agree to the Amendments made by the Council to the Bill entituled, An Act for the effectual recovery of the several taxes and of the Excise therein mentioned &c^a

Ordered, that Mr Harison do acquaint the Assembly that this Board recede from their Amendments to the said Bill.

A Message from the Assembly by Coll Phillip Schuyler with the Bill Entituled, An Act for Lycensing Hawkers and pedlars within this Colony and desiring the concurrence of this Board thereto

Ordered, That the said Bill be read the First Time

Then the said Bill was read the first time and

Ordered a second reading

* For this Address, see Journals of the General Assembly I. pp. 604, 605.

At a Council held at Fort George in New York, July the 11th, 1729.

PRESENT— *His Excellency* JOHN MONTGOMERIE, Esqr, &c.,

Mr CLARKE, Mr HARISON, Mr ALEXANDER, Mr Abm VAN HORNE, Mr KENNEDY, Mr JAM DE LANCEY.

The Bill Entituled, An Act for Lycencing Hawkers and Pedlars within this Colony was read the second time and Committed to the Gentlemen of the Council or any five of them

The Governour withdrawing The Gentlemen of the Council resolved into a Committee

After some time spent his Excellency returned to the Council Chamber and took his place

Post Meridiem.

PRESENT as before

Mr Van Horn in his place Reported from the Committee to whom was Committed the Bill Entituled, An Act for the Lycenceing Hawkers and Pedlars within this Colony that they had gone through the said Bill and was Ready to make their Report when this Board would please to receive the same

Ordered, that the said Report be made jmmediately

Then Mr Van Horn in his place Reported that the said Committee had gone through the said Bill without any Amendments

Ordered, that Mr Van Horn do acquaint the House of Representatives that this Board has past the said Bill without any Amendments

Post Meridiem

At a Council held at Fort George in New York, July the 12th, 1729.

PRESENT — *His Excellency* JOHN MONTGOMERIE, Esqr, &ca,

Mr CLARKE, Mr HARISON, Mr ALEXANDER, Mr Abm VAN HORNE, Mr KENNEDY, Mr JAM DE LANCEY.

Ordered, That the Deputy Clerk of this Board do Acquaint the House of Representatives that his Excellency requires the immediate attendance of that House at the Council Chamber

The Assembly Attending Accordingly with their Speaker his Excellency Gave his Assent to the following Acts Enacting the Same and ordered to be Enrolled Vizt

1. An Act reviving An Act Entituled, An Act to prevent Desertion from his Majestys forces in the province of New York

2. An Act For the further Continuing the Currency of Bills of Credit Struck and Issued in the year 1720 To the value of Five thousand Ounces of plate until the first day of July 1730

3. An Act to Continue An Act Entituled, An Act to Let to ffarm the Excise of Strong Liquors retailed in this Colony for the time therein mentioned and for Declaring Shrub Liable to the Same dutys as distilled Liquors

4 An Act for the better Clearing Regulating and further Laying out publick High Roads in the County of Ulster.

5 An Act to Continue An Act Entituled, An Act to empower the Justices of the peace in the County of Albany Living or dwelling in the Township of Schenectady in the Said County to regulate the Streets and Highways and to prevent Accidents by Fire in the Said Town

6. An Act for the further Continuing An Act Entituled, An Act for the further Laying out Regulating and better Clearing publick Highways in the County of Suffolk

7. An Act to ascertain the allowance to the representatives for the County of Suffolk and for other purposes therein mentioned

8. An Act for Naturalizing John Frederick Gunter, Phillip Jacob Bomper Junr, Jaques Gabriel Buvelot, Micheal Cario, Samuel Myers, David Hays and Judah Hays

9. An Act for the better Clearing Regulating and further Laying out publick Highroads in the City & County of Albany

10. An Act for the effectual recovery of the Arrears of the Several taxes And of the Excise therein mentioned and for Securing the Dutys on Slaves not Imported in the City of New York and for Impowering The Treasurer for those purposes

11. An Act for raising and Levying the Sum of £730 for the uses therein mentioned, for borrowing part thereof and for appointing an Agent at the Court of Great Brittain

12. An Act for Continuing and Enforcing the Acts therein mentioned for discharging the present demands on the Trading House at Oswego by borrowing money of the Excise for the Effectual Support of it until the twenty fifth day of December 1733 For Continuing Some dutys and Augmenting others until that time For Regulating Those Dutys and the Trade at Oswego, For the gradual Repayment of money borrowed of the Excise and for reducing former Fines if voluntarily paid within the time therein Limited

13. An Act for Lycensing Hawkers and pedlars within this Colony

His Excellency after publication of the Said Acts at the City Hall with the usual Solemnity returning to the Council Chamber

His Excellency Recommended the House of Representatives to adjourn its Self until the first Tuesday in October next

TWENTIETH ASSEMBLY THIRD SESSION.

At a Council held at Fort George in N York, August the 26th, 1730.

PRESENT — *His Excellency* JOHN MONTGOMERIE, Esqr, &ca,

Mr CLARKE,
Mr HARISON,
Dr COLDEN,
Mr ALEXANDER,
Mr KENNEDY,
Mr JAM. DELANCEY,
Mr PHIL CORTLANDT.

Ordered, that the Deputy Clerk of this Board do acquaint the House of Representatives that his Excellency requires their immediate attendance at the Council Chamber

The Assembly accordingly attending with their Speaker his Excellency made a Speech to them in *hæc verba*

Gentlemen,

The principal reason of my calling you together at this time, is to acquaint you, that his Majesty has disallowed all the Acts yon have passed, Prohibiting the Selling of Indian Goods to the French or laying Dutys on them from the year 1720 to the year 1729 which I beleive is what you expected from the late accounts we have had from England

By the repeal of these Acts which I shall lay before you, the last Provision you made for the Support of the House and Garrison at Oswego is rendered altogether in effectuall

Every man who knowns the Interest & circumstances of this province must be very sensible of the importances of that place on which cheifly depends the prosperity & success of your Indian Trade, the fidelity and obedience of the Six Nations to the Crown of Great Brittain and a protection and Defence of your ffrontier Settlements. The Season of the year for transporting men and provisions being now far advanced I earnestly desire that you will speedily provide effectuall and unexceptionable supplys for this service

I also Expect you will take into your serious consideration the ruinous condition of all the other ffrontier Garisons and the miserable state of the Officers Barracks in the ffort at New York

It gives me very great uneasiness to propose any Expence to the province but the things I have mentioned, are so absolutely necessary for his Majestys service and the safety of his subjects, that I think my Self Indispensably obliged to recommend them most earnestly to you

J. MONTGOMERIE

At a Council held at Fort George in New York, Sepr 16th, 1730.

PRESENT — *His Excellency* JOHN MONTGOMERIE, Esqr, &c.,

Mr CLARKE,
Mr HARISON,
Mr ALEXANDER,
Mr KENNEDY,
M^r JAM DE LANCEY,
Mr PHILL CORTLANDT.

A Message from the Assembly by Coll Gaasbeek with the Bill entituled, An Act for the further continuing An Act Entituled, An Act to let to farm the Excise of Strong Liquors retailed in this Colony for the time therein mentioned & for declaring Shrub Lyable to the same dutys as distilled Liquors and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read the first time

Then the said Bill was read the first time and

Ordered, a second reading

A Message from the Assembly by Mr Gerritsen with the Bill Entituled, a Bill for continuing An Act Entituled, An Act to amend the practice of the Law and to regulate the giving of Special Bail and desiring the concurrence of this Board

Ordered, that the said Bill be read the first time

Then the said Bill was read the first time &

Ordered a second Reading

His Excellency laid before the Board a Message to him from the Assembly by Mr Delancey & Coll Schuyler desiring that the Gentlemen of this Board may Join a Committee of that House to draw an humble Representation to his Majesty and therein to sett forth and putt in a true Light what has been done by the Legislature of this Colony for some years last past in Relation to the Indian Trade more particularly at Oswego, the situation and importance of that place, the fair prospect it affords of drawing the furr trade if put under proper regulations, and to pray that His Majesty will be graciously pleased to allow that the Expence necessary to support the trading house erected there may be born either by the trade it self or by those who reap the only benefit of it And that they desire his Excellency Likewise that he will be pleased not only to Join in such a Representation but also promote the same at the Court of Great Brittain. Whereupon it is

Ordered, that the Deputy Clerk of the Board do acquaint the House of Representatives that this Board has appointed the Gentlemen of the Council or any three of them to be a Committee to Join a Committee of that House on the subject matter of the said Message and that they meet to morrow at four in the afternoon at the House of Obadiah Hunt in this City for that purpose

At a Council held at Fort George in New York, Sepr 24th, 1730.

PRESENT — *His Excellency* THE GOVERNOR.

M^r VAN DAM,
Mr CLARKE,
Mr HARISON,
Mr ALEXANDER,
M^r VAN HORNE,
Mr KENNEDY,
M^r DE LANCEY,
Mr CORTLANDT,

The Bill Entituled, An Act for the further continuing An Act Entitled, An Act to Let to farm the Excise of Strong Liquors retailed in this Colony for the time therein mentioned and for Declaring Shrub lyable to the same dutys as distilled Liquors was read the second time and Committed to the Gentlemen of the Council or any five of them

The Bill Entitled, An Act for Continuing An Act Entitled, An Act to Amend the practice of the Law and to regulate the giving of Special Bail was read the second time and Committed to the Gentlemen of the Council or any five of them

A Message from the Assembly by Major Phillips with the Bill Entitled, An Act to Continue An Act entitled, An Act for regulating fences for the several Citys & Countys within this Colony of New York and desiring the concurrence of this Board thereto

Ordered, that the s^d Bill be read

Then the said Bill was read the first time &

Ordered a second reading

A Message from the Assembly by Mr Livingston with the Bill entitled, An Act to Continue An Act Entitled, An Act to prevent Swine running at Large in Dutchess County and in the mannor of Livingston and in the precinct of the mannor of Ranslearwick called Claverack in the County of Albany and desiring the concurrence of this Board thereto

Ordered, That the said Bill be read

Then the said Bill was read the first time &
Ordered a second Reading
A Message from the Assembly by Coll Willett & Coll Hicks with the Bill Entitled, An Act to prevent Swine from running at Large in the City & County of New York and the County of Westchester, Queens County, Kings County & Richmond County and desiring the concurrence of this Board thereto
Ordered, That the said Bill be read
Then the said Bill was read the first time and
Ordered a second Reading

At a Council held at Fort George in New York, Sepr the 25th, 1730.

PRESENT — *His Excellency* JOHN MONTGOMERIE, Esqr, Govr &c^a,

Mr CLARKE,
Mr HARISON,
Mr ALEXANDER,
M^r VAN HORNE,
Mr KENNEDY,
M^r DE LANCEY,
Mr CORTLANDT.

Mr Clarke Chairman of the Committee to whom was Committed the Bill Entitled, An Act for the continuing An Act entitled, An Act to Let to farm the Excise of Strong Liquors retailed in this Colony for the time therein mentioned and for Declaring Shrub lyable to the same dutys as distilled Liquors acquainted the Board that the Committee had considered of the same and were ready to make their Report when this Board would please to receive the same
Ordered, that the said Report be made immediatly
Then Mr Clarke in his place Reported That the said Committee had gone through the said Bill without any Amendments
Ordered, that the said Bill be read the third time
Then the said Bill was read the third time and past without any Amendments
Ordered, that Mr Clarke do acquaint the House of Representatives that this Board has past the said Bill without any Amendments
Mr Clarke Chairman of the Committee to whom was Committed the Bill Entitled, An Act for Continuing An Act Entitled, An Act to amend the practice of the Law and to regulate the giving of Special Bayl acquainted the Board that the Committee had considered of the same and was ready to make their report when this Board would please to receive the same
Ordered, that the said Report be made Immediatly
Then Mr Clarke in his place reported that the said Committee had gone through the said Bill without any Amendments
Ordered, that the said Bill be read the third time
Then the said Bill was read the third time and past without any Amendments
Ordered, that Mr Clarke do acquaint the house of Representatives that this Board has past the said Bill without any Amendments
The Bill Entitled, An Act to continue An Act entitled, An Act for regulating fences for the severall Citys & Countys within this Colony of New York was read the second time & Committed to the Gentlemen of the Councill or any five of them

Post Meridiem

Mr Clarke Chairman of the Committee to whom was Committed the Bill, Entitled An Act to continue An Act Entitled, An Act for regulating Fences for the severall Citys and Countys within this Colony of New York acquainted the Board that the Committee had considered of the same and was ready to make their Report when this Board would please to Receive the same
Ordered, that the said Report be made immediatly
Then Mr Clarke in his place reported that the said Committee had gone through the said Bill without any Amendments
Ordered, that the said Bill be read the third time
Then the said Bill was read the third time and past without any Amendments
Ordered, that Mr Clarke do acquaint the house of Representatives that this Board has past the said Bill without any Amendments
The Bill entitled, An Act to Continue An Act Entitled, An Act to prevent Swine running at Large in Dutchess County and in the Mannor of Livingston & in the precinct of the Mannor of Ranslearwick called Claverack in the County of Albany was read the second time and Committed to the Gentlemen of the Councill or any five of them
His Excellency withdrawing The Board resolved into a Committee

His Excellency returning to the Councill took his place

Then Mr Clarke Chairman of the Committee to whom was Committed the Bill aforesaid Entitled, An Act to Continue An Act Entitled, An Act to prevent Swine running at Large in Dutchess County and in the mannor of Livingston and in the precinct of the mannor of Ranslearwick called Claverack in the County of Albany acquainted the Board that the Committee had considered of the same & were ready to make their Report when this Board would please to receive the same

Ordered, that the said Report be made immediatly

Then Mr Clarke in his place reported that the said Committee had gone through the said Bill without any Amendments.

Ordered, that the said Bill be read the third time

Then the said Bill was read the third time & past without any Amendments

Ordered, that Mr Clarke do acquaint the house of Representatives that this Board has past the said Bill without any Amendments

The Bill Entituled, An Act to prevent Swine from running at Large in the City & County of New York, the County of Westchester, Queens County, Kings County and Richmond County was read the second time & Committed to the Gentlemen of the Council or any five of them

Mr Clarke Chairman of the Committee to whom was Committed the Bill Entituled, An Act to prevent Swine from running at Large in the City & County of New York, the County of Westchester, Queens County, Kings County & Richmond County reported from the Committee that they had gone through the said Bill and was ready to make their report when this Board would please to receive the same

Ordered, that the said Report be made Immediatly

Then Mr Clarke in his place reported that they had gone through the said Bill with some Amendmts

Then the said Bill was read the third time as amended

Ordered, that Mr Clarke do carry the said Bill with the Amendments made thereto to the house of Representatives and desire their concurrence to the same

A Message from the Assembly by Capt Rutgers with the Bill entituled, An Act for the better preservation of Oysters and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time &

Ordered a second reading

At a Councill held at Fort George in New York, October the 1st, 1730.

PRESENT — *His Excellency* JOHN MONTGOMERIE, Esqr, Governour, &ca,

Mr ALEXANDER,
Mr VAN HORNE,
Mr KENNEDY,
Mr DELANCEY,
Mr CORTLANDT.

The Bill Entituled, An Act for the better preservation of Oysters was read the Second time and Committed to the Gentlemen of the Council or any five of them

A Message from the Assembly by Major Platt with the Bill entituled, An Act for the further Continuing the Currency of Bills of Creditt Struck and Issued in the year 1720 to the value of five thousand ounces of plate During the time therein mentioned and Desiring the Concurrence of this Board thereto

Ordered, that the Said Bill be Read

Then the Said Bill was read the first time and

Ordered a Second Reading

A Message from the Assembly by Coll Hutchinson with the Bill Entituled, An Act to revive and enforce An Act entituled, An Act for Settling and regulating the militia in this province and making the Same usefull for the Security & defence thereof and for repealing all other Acts relating to the Same During the time therein mentioned & desiring the Concurrence of this Board thereto

Ordered, that the Said Bill be read.

Then the Said Bill was read the first time &

Ordered a Second Reading

At a Council held at Fort George in New York, October 8th, 1730.

PRESENT — *His Excellency* JOHN MONTGOMERIE, Esqr, Govr, &c,

Mr CLARKE, Mr DE LANCEY,
Mr LIVINGSTON, Mr CORTLANDT.
Mr KENNEDY,

The Bill Entitled, An Act for the further Continuing the Currency of Bills of Creditt Struck and issued in the year 1720 To the Value of five thousand Ounces of plate during the time therein mentioned was read the Second time & Committed to the Gentlemen of the Council or any five of them

The Bill Entitled, An Act to revive & enforce An Act Entitled, An Act for Settling & regulating the Militia in this province and making the Same usefull for the Security and Defence thereof and for repealing all other Acts relating to the Same during the time therein mentioned was read the Second time and

Ordered to be committed

A Message from the Assembly by Coll Beekman with the Bill Entitled, An Act for Striking Bills of Creditt To the Value of three thousand pounds and putting them into the Treasury to be Exchanged for Shattered, torn and Defaced Bills Struck and issued by virtue of Severall former Acts & desiring the Concurrence of this Board thereto

Ordered, that the Said Bill be read

Then the Said Bill was read the first time And

Ordered a Second reading

A Message from the Assembly by Capt Rutgers with the Bill Entitled, An Act to Enable the Mayor Aldermen & Commonalty of the City of New York to raise money for the term of three years to purchase two fire Engines & for other the purposes therein mentioned and desiring the Concurrence of this Board thereto.

Ordered, that the said Bill be read.

Then the said Bill was read the first time and

Ordered a second reading

A Message from the Assembly by Major Phillipse with the Bill entitled, An Act to revive An Act entitled, An Act for the better clearing regulating and further laying out publick high roads in the County of Westchester desiring the concurrence of this Board thereto.

Ordered, that the said Bill be read

Then the said Bill was read the first time &

Ordered a second reading

Att a Councill held at ffort George in New York, the 9th *October*, 1730.

PRESENT — *His Excellency* JOHN MONTGOMERIE, Esqr, Govr, &c.,

Mr CLARKE, Mr KENNEDY,
Mr ALEXANDER, Mr DE LANCEY,
Mr LIVINGSTON, Mr CORTLANDT.

Mr Livingston Chairman of the Committee to whom was Committed the Bill Entitled, An Act for the further continuing the Currency of Bills of Creditt struck & issued in the year 1720 to the value of five thousand ounces of plate during the time therein mentioned reported from the Committee that they had gone through the said Bill and were ready to make their report when this Board would please to receive the same

Ordered, that the said Report be made Immediatly

Then Mr Livingston in his place reported that the said Committee had gone through the said Bill without any Amendments

Ordered, that the said Bill be read the third time

Then the said Bill was read the third time and past without any Amendments

Ordered, that Mr Livingston do acquaint the House of Representatives that this Board has past the said Bill without any Amendments

Mr Livingston Chairman of the Committee (to whom was Committed the Bill entitled, An Act to revive and enforce An Act for settling and regulating the Militia in this province and making the same usefull for the security and defence thereof & for repealing all other Acts relating to the same during the time therein mentioned) reported from the Committee that they had gone through the said Bill & were ready to make their Report when this Board would please to Receive the same

Ordered, That the said Report be made Immediatly

Then Mr Livingston in his place reported that they had gone through the said Bill with some amendments

Then the said Bill was read the third time as amended & past

Ordered, that Mr Livingston do carry the said Bill with the amendments made thereto to the house of Representatives and desire their concurrence to the same

Mr Livingston Chairman of the Committee (to whom was Committed the Bill Entitled, An Act for the better preservation of Oysters) reported from the Committee that they had gone through the said Bill & was ready to make their report when this Board would please to receive the same

Ordered, that the said Report be made immediatly

Then Mr Livingston in his place reported that they had gone through the said Bill with some Amendments

Ordered, that the said Bill be read the third time with the Amendments

Then the said Bill was read the third time as Amended and past

Ordered, that Mr Livingston do carry the said Bill to the House of Representatives with the Amendments made thereto and desire their concurrence to the same

The Bill Entitled, An Act for striking Bills of Creditt to the value of three thousand pounds & putting them into the Treasury to be Exchanged for shattered torn & defaced Bills struck & issued by virtue of several former Acts was read the second time and Committed to the Gentlemen of the Councill or any five of them

The Bill Entitled, An Act to Enable the Mayor Aldermen and Commonalty of the City of New York to raise money for the term of three years to purchase two Fire Engines and for other the purposes therein mentioned was read the second time & Committed to the Gentlemen of the Councill or any five of them

The Bill Entitled, An Act to revive An Act Entitled, An Act for the better clearing regulating and further laying out publick highroads in the County of Westchester was read the second time & Committed to the Gent of the Councill or any five of them.

Post Meridiem

PRESENT as before

Mr Livingston Chairman of the Committee to whom was referred the Bill Entitled, An Act to revive An Act Entitled, An Act for the better clearing regulating and further laying out publick High roads in the County of Westchester reported from the Committee that they had considered of the said Bill & were ready to make their report when this Board would please to receive the same

Ordered, that the said Report be made immediatly

Then Mr Livingston in his place reported that the Committee had gone through the said Bill without any Amendments

Ordered, That the said Bill be read the third time

Then the said Bill was read the third time & past without any Amendments

Ordered, that Mr Livingston do acquaint the House of Representatives that this Board has past the sd Bill without any Amendments

Mr Livingston Chairman of the Committee (to whom was Committed the Bill Entitled, An Act to Enable the Mayor, Aldermen & Commonalty of the City of New York to raise money for the term of three years to purchase two fire Engines and for other the purposes therein mentioned) reported from the Committee that they had gone through the said Bill and was ready to make their report when this Board would please to receive the same

Ordered, that the said Report be made immediatly

Then Mr Livingston in his place reported that the Committee had gone through the said Bill without any amendments

Ordered, that the said Bill be read the third time

Then the said Bill was read the third time and past without any amendments

Ordered, that Mr Livingston do acquaint the House of Representatives that this Board has past the said Bill without any Amendments

Mr Livingston Chairman of the Committee (to whom was referred the Bill Entitled, An Act for Striking Bills of Creditt to the value of three thousand pounds and putting them into the Treasury to be Exchanged for shattered torn & defaced Bills struck & Issued by virtue of severall former Acts) reported from the committee that they had gone through the said Bill and was ready to make their report when this Board would please to receive the same

Ordered, That the said Report be made immediatly

Then Mr Livingston in his place reported that the committee had gone through the said Bill without any amendments

Ordered, that Mr Livingston do acquaint the house of Representatives that this Board has past the said Bill without any amendments

At a Councill held at Fort George in New York, the 14th *October*, 1730.

PRESENT — *His Excellency* JOHN MONTGOMERIE, Esqr, Govr &ca,

Mr CLARKE,
Mr ALEXANDER,
Mr LIVINGSTON,
Mr KENNEDY,
Mr VAN HORNE,
Mr DE LANCEY,
Mr CORTLANDT.

A Message from the Assembly by Mr Gerritsen wth the Bill Entitled, An Act for the better clearing, regulating & further Laying out publick highways in Kings County, Queens County, Richmond County and Orange County and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time and

Ordered a second reading

A Message from the Assembly by Major Ranslear with the Bill entitled, An Act to prevent the destruction of Sheep by Dogs in the City and County of Albany, the County of Westchester, the County of Suffolk, Queens County, Kings County, Richmond County and Orange County and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time &

Ordered a Second Reading

A Message from the Assembly by Coll Hicks with the Bill entitled, An Act for Naturalizing Herman Winckler & other the persons therein named desiring the concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time &

Ordered, a second reading

At a Councill held at ffort George in New York, Octr 15th, 1730.

PRESENT — *His Excellency* JOHN MONTGOMERIE, Esqr, Govr &c.,

Mr CLARKE,
Mr HARISON,
Mr ALEXANDER,
Mr LIVINGSTON,
Mr KENNEDY,
Mr DE LANCEY,
Mr CORTLANDT.

The Bill Entitled, An Act for the better clearing regulating & further laying out publick Highways in Kings County, Queens County, Richmond County and Orange County was read a second time & committed to the Gentlemen of the Council or any five of them

The Bill entitled, An Act to prevent the destruction of Sheep by Dogs in the City and County of Albany, the County of Westchester, the County of Suffolk, Queens County, Kings County, Richmond County & Orange County was read a Second time & Committed to the Gentlemen of the Councill or any five of them

The Bill Entitled, An Act for Naturalizing Herman Winkler and other the persons therein named was read a Second time & Committed to the Gentlemen of the Councill or any five of them

A Message from the Assembly by Mr Willett with the Bill entitled, An Act to revive & enforce An Act entitled, An Act for Settling and regulating the Militia in this province and making the Same usefull for the Security and Defence thereof and for repealing all other Acts relating to the Same during the time therein mentioned that that House do disagree to the Amendments made by this Board to the Said Bill

Then the Question being put

Resolved, that the Board do recede from their Amendmts to the Said Bill

Ordered, That Mr Livingston do Acquaint the House therewith

At a Councill held at Fort George in New York, October the 16th, 1730.

PRESENT — *His Excellency* JOHN MONTGOMERIE, Esqr, Govr, &ca,

Mr CLARKE, Mr LIVINGSTON,
Mr HARISON, Mr DE LANCEY,
Mr ALEXANDER, Mr CORTLANDT.

Mr Livingston Chairman of the Committee (to whom was Committed the Bill Entitled, An Act for the better Clearing, regulating & further laying out publick highways in Kings County, Queens County, Richmond County and Orange County) reported from the Committee that they had gone through the Said Bill and were ready to make their report thereof when this Board would please to receive the Same

Ordered, that the Said report be made Immediatly

Then Mr Livingston in his place reported that they had gone through the Said Bill without any amendments

Ordered, that the Said Bill be read the third time

Then the Said Bill was read the third time & past without any amendments

Ordered, that Mr Livingston do Acquaint the House of Representatives that this Board has past the Said Bill without any Amendments

Mr Livingston Chairman of the Committee (to whom was Committed the Bill Entitled, An Act to prevent the destruction of Sheep by Dogs in the City & County of Albany, the County of Westchester, the County of Suffolk, Queens County, Kings County Richmond County & Orange County) reported from the Committee that they had gone through the said Bill and were ready to make their Report thereof when this Board would please to receive the same

Ordered, that the said Report be made immediatly

Then Mr Livingston in his place reported that they had gone through the said Bill without any Amendmts

Ordered, that the said Bill be read the third time

Then the said Bill was read the third time and past without any Amendments

Ordered, that Mr Livingston do acquaint the House of Representatives that this Board has past the said Bill without any Amendments

Mr Livingston Chairman of the Committee to whom was Committed the Bill Entitled, An Act for Naturalizing Herman Winkler and other persons therein named reported from the Committee that they had gone through the said Bill and were ready to make their Report thereof when this Board would please to receive the same,

Ordered, that the said Report be made Immediatly

Then Mr Livingston in his place reported that they had gone through the said Bill without any Amendments

Then the said Bill was read the third time and past without any Amendments

Ordered, that Mr Livingston do acquaint the House of Representatives that this Board has past the said Bill without any Amendments

A Message from the Assembly by Coll Beekman with the Bill entitled, An Act for the relief of Jnsolvent Debtors within this Colony of New York with respect to the Jmprisonment of their persons and desiring the concurrence of this Board thereto.

Ordered, that the said Bill be read

Then the said Bill was read the first time and

Ordered a second reading

At a Council held at Fort George in New York, Octr 17th, 1730.

PRESENT — *His Excellency* JOHN MONTGOMERIE, Esqr, Govr, &c,

Mr CLARKE, Mr LIVINGSTON,
Mr HARISON, Mr DE LANCEY,
Mr ALEXANDER, Mr CORTLANDT.

Ordered, that the Deputy Clerk of the Councill do accquaint the House of Representatives that his Excellency requires their Jmmediate attendance at the Council Chamber

The Assembly accordingly attending with their Speaker his Excelleucy was pleased to give his assent to the following Acts vizt

1st An Act Entitled, An Act for Continuing An Act Entitled, An Act to Amend the practice of the Law and to regulate the giving of Special Bail

2d An Act Entitled, An Act to Continue An Act Entitled, An Act for regulating ffences for the several Citys and Countys within this Colony of New York

3d An Act Entitled, An Act to Continue An Act Entitled, An Act to prevent Swine running at large in Dutchess County and in the Mannor of Livingston and in the precinct of the Mannor of Ranslearwick called Claverack in the County of Albany

4th An Act Entitled, An Act to prevent Swine from running at Large in the City and County of New York, the County of West Chester, Queens County, Kings County, and Richmoup County

5th An Act Entitled, An Act for the further Continuing An Act Entitled, An Act to let to farm the Excise of Strong Liquors retailed in this Colony for the time therein mentioned and for declaring Shrubb lyable to the same dutys as distilled Liquors

6th An Act Entitled, An Act to revive An Act Entitled, An Act for the better clearing regulating and further Laying out publick high Roads in the County of Westchester

7th An Act Entitled, An Act to Enable the Mayor Aldermen & Commonalty of the City of New York to raise money for the term of three years to purchase two fire Engines and for other the purposes therein mentioned

8th An Act Entitled, An Act for striking Bills of Creditt to the value of three thousand pounds and putting them into the Treasury to be Exchanged for shattered torn & defaced Bills struck & Issued by virtue of several former Acts

9th An Act Entitled, An Act for the better preservation of Oysters

10th An Act Entitled, An Act to revive and enforce An Act Entitled, An Act for settling and regulating the Militia in this province and making the same usefull for the security and defence thereof and for repealing all other Acts relating to the same during the time therein mentioned.

11th An Act Entitled, An Act for the further continuing the Currency of the Bills of Credit struck and Issued in the year one thousand seven hundred and twenty to the vallue of ffive thousand Ounces of plate during the time therein mentioned

And afterwards his Excellency attended with the Gent of the Councill and the House of Representatives went to the City Hall and there published the severall Acts aforesaid

At a Council held at ffort George in New York, the 21st *day of Octr*, 1730.

PRESENT— *His Excellency* JOHN MONTGOMERIE, Esqr, Govr, &c.,

Mr VAN DAM,	Mr LIVINGSTON,
Mr CLARKE,	Mr KENNEDY,
Mr HARISON,	Mr DE LANCEY,
Mr ALEXANDER,	Mr CORTLANDT.

The Bill Entituled, An Act for the relief of Insolvent Debtors within the Colony of New York with respect to the Imprisonment of their persons was read a second time and Committed to the Gentlemen of the Council or any five of them

A Message from the Assembly by Mr Willett with the Bill entitled, An Act to prevent the taking or Levying on Specialtys more than the principal Interest & Costs of suit and other the purposes therein mentioned and desiring the concurrence of this Board thereto

Ordered, That the said Bill be read

Then the said Bill was read the first time and

Ordered a second reading

At a Councill held at ffort George in New York, the 22d *October*, 1730.

PRESENT — *His Excellency* JOHN MONTGOMERIE, Esqr, Govr, &c.,

Mr CLARKE,	Mr KENNEDY,
Mr ALEXANDER,	Mr DELANCEY,
Mr LIVINGSTON,	Mr CORTLANDT.

The Bill Entitled, An Act to prevent the taking or Levying on Specialtys more than the principall Interest & Costs of suit & other the purposes therein mentioned was read a second time and Committed to the Gent of the Councill or any five of them

Mr Delancey Chairman of the Committee (to whom was Committed the Bill Entitled, An Act for the releif of Insolvent Debtors within the Colony of New York with respect to the Imprisonment of their persons) reported from the Committe that they had gone through the said Bill and were ready to make their Report when this Board would please to receive the same

Ordered, that the said Report be made immediatly

Then Mr De Lancey in his place Reported that they had gone through the said Bill with some amendments

Then the said Bill was read the third time as amended and past

Ordered, that Mr Delancey do carry the said Bill with the Amendments thereto to the House of Representatives and desire their concurrence to the same

At a Councill held at Fort George in New York, October the 23d, 1730.

PRESENT — *His Excellency* JOHN MONTGOMERIE, Esqr, Govr, &c.,

Mr VAN DAM,
Mr CLARKE,
Mr ALEXANDER,
Mr LIVINGSTON,
Mr KENNEDY,
Mr DE LANCEY,
Mr CORTLANDT.

Mr Delancey Chairman of the Committee (to whom was Committed the Bill entitled, An Act to prevent the taking or Levying on Specialtys more than the principal Interest & Costs of Suit and other purposes therein mentioned) reported from the committee that they have gone through the said Bill and were ready to make their report thereof when this Board would please to receive the same

Ordered, that the said Report be made immediatly

Then Mr De Lancey in his place reported that they had gone thro' the said Bill with some Amendments

Ordered, that the said Bill be read the third time with the amendments

Then the said Bill was read the third time as amended and past

Ordered, that Mr Delancey do carry the said Bill to the House of Representatives with the amendmts made by this Board to the said Bill and desire their concurrence thereto

A Message from the Assembly by Mr Lott with the Bill Entitled, An Act for the more Effectuall preventing & punishing the Conspiracey and Insurrection of Negro & other Slaves for the better regulating them and for repealing the Acts therein mentioned relating thereto and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time and

Ordered a second reading

At a Council held at Fort George in New York, Octor 24th, 1730.

PRESENT — *His Excellency* JOHN MONTGOMERIE, Esqr, Govr, &c.,

Mr VAN DAM,
Mr CLARKE,
Mr HARISON,
Mr ALEXANDER,
Mr KENNEDY,
Mr CORTLANDT.

The Bill Entitled, An Act for the more effectuall preventing & punishing the conspiracy & insurrection of Negro & other Slaves, for the better regulating them and for repealing the Acts herein mentioned relating thereto was read a second time and committed to the Gent of the Councill or any five of them

His Excellency withdrawing The Board resolved into a Committee to Consider of the said Bill

His Excellency Returning to the Councill Chamber took his place

Mr Cortlandt Chairman of the Committee (to whom the said Bill was referred) reported that they had gone through the said Bill and were ready to make their report thereof when this Board would please to receive the same

Ordered, that the Said Report be made immediatly

Then Mr Cortlandt in his place reported that they had gone through the Said Bill without Any Amendments

Ordered, that the Said Bill be read the third time

Then the Said Bill was read the third time any past without Any Amendments

Ordered, that Mr Cortlandt do Acquaint the House of Representatives that this Board has past the Said Bill without Any Amendments

A Message from the Assembly by Coll Myndert Schuyler that that House do Agree to the Amendments made by this Board to the Bill Entituled, An Act for the releif of Insolvent Debtors with respect to the Imprisonment of their persons

Att a Councill held at ffort George in New York, the 28th *Octr*, 1730.

PRESENT — *His Excellency* JOHN MONTGOMERIE, Esqr, Govr, &c.,

Mr VAN DAM,
Mr CLARKE,
Mr HARISON,
Mr DE LANCEY,
Mr CORTLANDT.

A Message from the Assembly by Coll Phillip Schuyler with the Bill Entituled, An Act to defray the Charge of Victualling his Majestys Troops posted at Oswego and for other the purposes therein mentioned & desiring the Concurrence of this Board thereto

Ordered, that the Said Bill be read

Then the Said Bill was Read the first time and

Ordered a Second reading

A Message from the Assembly by Coll Beekman with the Bill Entitled, An Act for paying Richard Bradley Esqr one hundred and fifty pounds and Henry Beekman Esqr the Sum of Seventeen pounds ten shillings for the Consideration and in the manner therein mentioned and desiring the Concurrence of this Board thereto

Ordered, that the Said Bill be read

Then the Said Bill was read the first time &

Ordered a Second reading

Post meridiem

PRESENT as before

The Bill intitled, An Act to defray the Charge of Victualling his Majesties Troops posted at Oswego and for other the purposes therein mentioned was read a Second Time and Committed to the Gentlemen of the Council or any five of them

The Bill intitled, An Act for paying Richard Bradley Esqr One hundred and fifty pounds and Henry Beekman Esqr the Sum of Seventeen pounds ten Shillings for the Consideration and in the manner therein mentioned was Committed to the Gentlemen of the Council or any five of them

His Excellency withdrawing The Board resolved into a Committee to consider of the Said two Bills

His Excellency returning to the Council Chamber

Mr De Lancey Chairman of the Committee to whom the Said two Bills were referred reported from the Committee that they had gone through the Said Bills & were ready to maketheir report thereof when this Board would please to receive the Same.

Ordered, That the said Report be made Immediately

Then Mr De Lancey in his place reported that they had gone through the said Bills without any Amendments

Ordered, that the said two Bills be read the third time

Then the said two Bills were read the third Time and past without any Amendments

Ordered, that Mr De Lancey do acquaint the House of Representatives that this Board has past the said two Bills without any Amendments

A Message from the Assembly by Coll Beekman that that House do agree to the Amendments made by this Board to the Bill intitled, An Act to prevent the taking or Levying on Specialties more than the principall Interest and Costs of suit and other purposes therein contained

Att a Council held at ffort George in New York, the 29th *of October*, 1730.

PRESENT — *His Excellency* JOHN MONTGOMERIE, Esqr, Gover, &c,

Mr VAN DAM,
Mr CLARKE,
Mr HARRISON,
Mr KENNEDY,
Mr DE LANCEY,
Mr CORTLANDT.

Ordered, that the Deputy Clarke of the Council do acquaint The House of Representatives that His Excellency requires their Immediate Attendance at the Council Chamber

The Assembly accordingly Attending with their Speaker His Excellency was pleased to give his Assent to the following Acts vizt

12. An Act for the better clearing regulating and further laying out publick High Wayes in King's County, Queens County, Richmond County and Orange County

13. An Act for Naturalizing Herman Winkler & other persons therein named

14. An Act to prevent the destruction of Sheep by Dogs in the City and County of Albany, the County of West Chester, the County of Suffolk, Queens County, Kings County, Richmond County and Orange County

15. An Act for the reliefe of Jnsolvent Debtors within the Collony of New York with respect to the Jmprisonment of their persons.

16. An Act to prevent the taking or Levying on Specialties more than the principal Interest & Costs of suite & other purposes therein mentioned

17. An Act for the more effectuall preventing & punishing the conspiracy and insurrection of Negroes & other Slaves, for the better regulating them, and for repealing the Acts herein mentioned relating thereto

18. An Act to Defray the Charge of Victualling his Majesties Troops posted at Oswego and for other the purposes therein mentioned

19. An Act for paying Richard Bradley Esqr One hundred and fifty pounds and Henry Beekman Esqr the sum of seventeen pounds Ten shillings for the Consideration and in the manner therein mentioned

And afterwards his Excellency attended with the Gentlemen of the Council and the House of Representatives went to the City Hall & there published the severall Acts aforesaid

---

[N. Y. Col. MSS., LXIX., 118]

By his Excellency

JOHN MONTGOMERIE Esqr Captain Generall and Governour in Chief of the provinces of
(L. S.) New York, New Jersey and Territoryes thereon depending in *America* and Vice Admirall of the same &c

A PROCLAMATION

WHEREAS the Generall Assembly of the province of New York stands adjourned to the second tuesday of Aprill instant, I have thought fitt for his Majesties Service and by virtue of the powers and authorityes unto me given by his Majesties Letters patent under the great seal of *Great Brittain*, further to adjourn the said Generall Assembly untill the *second tuesday* of *July* next and I do hereby accordingly adjourn the said Generall Assembly untill the *second tuesday* of *July* next of which all his Mãties Subjects are to take notice & govern themselves accordingly

Given under my hand and Seal at Arms at ffort George in *New York*, the *sixth* day of *Ap^ll* in the ffourth year of his Mãties reign Annoq Dom 1731

J. MONTGOMERIE

By his Excellencys Cómand
FFRED^k MORRIS *D. Sẽccry.*

[In Executive Session]

July 27th 1731

The Generall Assembly of this province standing adjourned by a Proclamation issued by his Excellency John Montgomerie Esqr Deceased late Captain Generall and Governour in Chief of this Province until the *Second Tuesday* of *August* next, His Honour the President by and with the advice and consent of this Board has thought fit further to adjourn the said Assembly until

the 17th day of *August* next and this Board do advise & Consent that his Honour do issue this Proclamation for the adjournment of the said Assembly until the said 17th of *August* and then Peremptorily to meet

August 17th 1731

The Generall Assembly of this Province standing Adjourned until this day His Honour the President by and with the advice and consent of the Gentlemen of the Council now assembled has thought fit further to adjourn the said Generall Assembly until *ffryday* the 20th day of *August* Instant

August 20th 1731

The Generall Assembly of this Province standing adjourned until this day His Honour the President by and with the advice and consent of the Gentlemen of the Council now assembled has thought fit further to adjourn the said Generall Assembly until *Tuesday* the 24th of *August* Instant

August 24th 1731

The Generall Assembly of this Province standing adjourned until this day His Honour the President by and with the advice and consent of the Gent. of the Council now assembled has thought fit further to adjourn the said Generall Assembly untill to morrow, and for that the Small Pox is now very much in towne, His Honour with the advice & consent aforesaid has thought fit to appoint the place of their meeting to be at the House of Mr Hermanus Rutgers in the *Bowry lane* in the Out ward of the City of New York.

TWENTIETH ASSEMBLY FOURTH SESSION.

Att a Council held pursuant to the last adjournment at the Boury lane in the Out Ward of the city of New York on the 25th Augst, 1731.

PRESENT — *The Honourable* RIP VAN DAM, Esqr, President,

Mr ALEXANDr, Mr ABRAHAM VAN HORNE, Mr KENNEDY, Mr DE LANCEY, Mr CORTLANDT.

A Message from the Assembly acquainting this Board that the House was met at the place to which they were adjourned whereupon it is

Ordered, that the Deputy Clerk of this Board do acquaint the House of Representatives that His Honr the President requires their immediate attendance at this Board

The House of Representatives accordingly Attending with their Speaker His Honor made a speech to them which is in the words following vizt

Gentlemen,

Upon the Death of our late Governour, John Montgomerie, Esqr, The Powers and Authorities by his Majesties Cōmission and Instruction given to him Devolving on me

I have thought fit by and with the advice of his Majesties Council to call you together at this time to make such Acts and such Provision as are Immediately necessary for his Majestys service the security of the Province and the preservation of the Peace thereof

I must in a particular manner recommend that timely and effectuall provisions may be made for supporting the Post of Oswego and the Troops posted in it, and to regulate the Indian Trade there as the most probable method to Jncrease the ffurr Trade and to draw the remote Jndians and to Confirm the Six Nations in their ffidelity and obedience to the Crown of Great Britain

I must likewise recommend to your serious consideration the ruinous and bad condition of our ffrontier Garrisons which requires your particular care Especially the building of a ffort at Albany according to the Resolve Last Session

I need not put you in mind that a new Act ought to be made for letting to ffarm the Excise of Strong Liquors retailed in this province That Act being nigh Expiring and if you think other Acts shall be Immediately necessary for his Majesties service or the good of this Province you shall find me ready to concur with you therein

The nature of the Business to be before you requires Dispatch and your own Good understanding will I doubt not produce a suitable unanimity that neither you nor the Country may be burthen'd by a long Session

RIP VAN DAM

Att a Council held at ffort George in New York, the 3d September, 1731.

PRESENT— *The Honoble* RIP VAN DAM, Esqr, President,

Mr ALEXANDER,
Mr VAN HORNE,
Mr PROVOOST,
Mr KENNEDY,
Mr DE LANCEY,
Mr COURTLANDT.

His Honour the President laid before the Board a Message to him from the Assembly setting forth that that House had taken into their consideration a Bill Titled, An Act for the better securing and Encourageing the Trade of his Majesties Sugar Collonys in America which was preferred to the Parliament of Great Britain in their last Session and that the same if past into a Law would be of the utmost prejudice to all the Brittish Northern Collonys and to this in particular Wherefore The House desired that a Committee of the Gentlemen of this Board might be appointed to join a Committee of that House in order to draw a Representation either to his Majesty, his Ministers of State or to the Lords of Trade & Plantations (as the said Committee should Judge most proper) therein setting forth the many Jnconveniences, Damages & hardships this Colony would suffer & lye under by being deprived of ye means to vent their Produce and by having their Navigation Crampt and Diminished & layn under unreasonable cloggs and Hardships whereby the Jnhabitants must be render'd unable from taking of and consuming such large Quantitys of the Brittish Manufactures as they now do, and likewise prayed that His Honour would be pleased to Join in such representation so to be made as aforesaid.

On reading whereof Jt is

Ordered, that the Deputy Clerk of this Board do Acquaint the House of Representatives That this Board has appointed Mr Alexander, Mr Abraham Van Horne, and Mr James De Lancey to be a Committee to join a Committee of that House on the Subject matter of the Said Message and that the President and the rest of the members of the Council may also Join and be present at the Said Committee if they Shall See Cause and that the Said Committee meet to morrow morning at 10 of the Clock in the forenoon at the House of Mr John Cuer in this City

His Honour the President Communicated to the Board a Letter from the Governour of Boston dated the 5th of July last & directed to his late Excellency Governour Montgomerie Deceased Setting forth his having transmitted to his Said late Excellency An Act of Assembly of that Province for Settling the Line betwixt that Government and this

Which Letter having been read Jt is

Ordered, that the Same be laid before the Assembly

*Att a Council held at ffort George in New York, on the 13th of Septemb*r, 1731.

PRESENT — *The Honble* RIP VAN DAM, Esqr, President,

Mr ALEXANDER,
Mr PROVOOST,
Mr LIVINGSTON,
Mr DE LANCEY,
Mr COURTLANDT.

A Message from the Assembly by Major Renslear with the Bill Entitled, An Act for the further Continuing An Act Entitled, An Act to let to ffarm the Excise of Strong Liquors retailed on this Colony for the time therein mentioned and for declaring Shrub liable to the Same duties as Distilled Liquors & Desiring the Concurrence of this Board thereto

Ordered, that the Said Bill be read

Then the Said Bill was read the first Time &

Ordered a Second Reading

A Message from the Assembly by Major Renslaer with the Bill Entitled, An Act for the further Continuing An Act Entitled, An Act for Settling & Regulating the Militia in this Province and making the Same usefull for the Security and Defence thereof and for repealing all other Acts relating to the Same during the time therein mentioned and desiring the Concurrence of this Board thereto

Ordered, that the Said Bill be read

Then the said Bill was read the first time &

Ordered, a Second Reading

Mr De Lancey Chairman of the Committee that pursuant to a minute of this Board of the 3d Jnstant was appointed to Join a Committee of the House of Representatives in order to draw a Representation to his Majesty against the Bill preferred at the last Session of Parliament Titled An Act for the better Securing and Encouraging the Trade of his Majesties Sugar Colonys in

America reported from the said Committee that they had accordingly drawn a Representation to his Majesty which after having been read was ordered to be Entred in the Minnitts of this Board and is in the words following Viz[t].

To the Kings most Excellent Majesty

The Humble Representation of the President, Council and Generall Assembly of the Colony of *New York*

Most Gracious Sovereign,

We your Majesties most Dutyfull & Loyall Subjects The President, Council and Generall Assembly of your Majesties Colony of New York begg Leave to represent that with grief and concern we have heard of the monopoly aimed at by the Sugar Colonys which if obtained will we conceive tend to the Ruin of this Colony & be prejudicial to the Trade and Navigation of Great Britain ffor there's yearly Jmported into and consumed in this Colony a very large Quantity of the Woollen manufacture of Great Britain for our cloathing & preservation from the Excessive Cold of our Winters and so great is our consumption of those commoditys that we have reason to Believe the whole Sugar Colonys excepting Jamaica on acco[t] of the ffrench Trade do not consume the like Quantity and should not be Disabled to pay for that manufacture We must be reduced to nakedness or to make our own cloathing, the product of this and the neighbouring Collonys of New Jersey and Pensylvania is Provisions, Horses and Lumber which are Exported to the Brittish and foreign Sugar Colonys and in Exchange for them we had moneys, Rum, Sugars, Molasses, Cocoa, Indigo, Cotton Wooll &c whereof Rum and Molasses are chiefly consumed in this Colony and the moneys and other merchandize are mostly applyed to make good the Ballance of our Trade to Great Britain and so great a part of that Ballance is paid in money that we have reason to Believe that all the British Sugar Colonys together Excepting Jamaica do not import so much Silver and Gold into Great Britain as this single Colony. We are well assured that the British Sugar Colonys cannot take of the one half of the provisions which this and the other two Bread Colonys do Export nor are they able to supply the northern Colonys with Rum & Molasses there consumed without vastly diminishing the Quantity of Sugar which they now make and tho' we be not by Express words in the monopoly aimed at restrained from Exporting our provisions to the foreign Sugar Colonys yet the restraining us from taking any part of their produce in Exchange will as Effectually do it Wherefore we have reason to apprehend that if the monopoly aimed at be obtained our product now Exported to the foreign Sugar Colonys will be as lost to us and that we shall have little more from the British Sugar Colonys for all our provisions that they can consume than the Rum, Molasses & Sugar which we want to consume amongst our selves seeing the Glut of our product with them must greatly lower the price thereof and the great Demands of Rum and Molasses must Vastly inhance the price of them and Disable us to pay for the Brittish manufactures we have already had & owe for and to pay for any more must Diminish the consumption of the British Woollen manufacture & the navigation now Employ'd in Bringing it to us & in Carrying our Product to the foreign Sugar Colonys & in Carrying what's got in Exchange for it to Britain must Diminish the Quantity of Sugars made in the British Sugar Colonys and Enhance the price thereof so much that Brittain will probably be Disabled to Expect any part of it

Most Gracious Sovereign

We Implore your most Sacred Majesty the ffather of all your Subjects who has the care and prosperity of all of them equally at Heart and who will be far from Countenancing any Endeavours to make one part of them the Slaves and Bondmen of another with whatever specious pretences it may be aimed at To have pity and compassion upon us your poor but most Loyall & Dutyfull Subjects of these Bread Colonys upon the merchants of Great Britain to whom we are greatly Indebted upon them & the many Tradesmen & Seamen of Great Britain who got their Living by the Brittish Trade with us and to grant your most gracious Protection against this Attempt which in its consequences would Tend as we humbly conceive to Deprive them of their Just Debts and future Support and to cut us of from being of any other use to our Mother Country than to be Bondmen and Slaves to her Sugar Colonys by confirming us to them for the Vent of the Produce of our Industry and in consequence obliging us to take what Price for it they please and to give what Price they think fit for what we have in Exchange from them

We crave pardon for trespassing so long on your royall Time and Leave to Subscribe our Selves as we sincerely are

May it please your Majesty—

Your Majestys most humble Dutyfull & most Loyall Subjects

Att a Council held at ffort George in New York, the 14th *Septr*, 1731.

PRESENT— *The Honble* RIP VAN DAM, Esqr President,

Mr ALEXANDER,
Mr LIVINGSTON,
Mr KENNEDY,
Mr DE LANCEY,
Mr COURTLANDT.

The Bill Entituled, An Act for the further continuing An Act Entitled, An Act to let to ffarm the Excise of Strong Liquors retailed in this Colony for the time therein mentioned & for Declaring Shrub lyable to the same dutys as Distilled Liquors, Was Read a second time & Committed to the Gentlmn of the Council or any five of them

The Bill Entituled, An Act for the further continuance of An Act Entituled, An Act for Settling & Regulating the Militia in this Province and making the same usefull for the security & Defence thereof and for repealing all other Acts relating to the same during the time therein mentioned, Was read a second time and Committed to the Gentlemen of the Council or any five of them

His Honour withdrawing The Board resolved into a Committee to consider of the two aforegoing Bills

His Honour returning to the Council Chamber took his place

Then Mr Courtlandt Chairman of the Committee to whom the said two Bills were referred acquainted the Board that the Committee had gone through the said Bills & were ready to make their report when this Board would please to receive the same

Order'd, that the said Report be made Jmmediatly

Then Mr Courtlandt in his place reported that the said Committee had gone through the said two Bills without any Amendments

Att a Council held at ffort George in New York, the 15th *Septr*, 1731.

PRESENT— *The Honble* RIP VAN DAM, Esqr, President,

Mr ALEXANDER,
Mr LIVINGSTON,
Mr KENNEDY,
Mr DE LANCEY,
Mr COURTLANDT.

Ordered, that the Bill Entitled, An Act for the further continuing An Act Entitled, An Act to let to ffarm the Excise of Strong liquors Retailed in this Colony for the time therein mentioned & for Declaring Shrub lyable to the same dutys as Distilled Liquors Be read the third time

Then the said Bill was read the third time and past without any Amendments

Ordered, that Mr Courtlandt do acquaint the House of Representatives that this Board has past the said Bill without any amendments

Ordered, that the Bill Entitled, An Act for the further continuance of an Act Entitled, An Act for Settling and Regulating the Militia in this Province and making the same usefull for the security and Defence thereof and for Repealing all other Acts relating to the same during the time therein mentioned Be read the third time

Then the said Bill was read the third time and past without any amendments

Ordered, That Mr Courtlandt do acquaint the House of Representatives that this Board has pass'd the said Bill without any Amendments

Att a Council held at ffort George in New York, the 17th *day of September*, 1731.

PRESENT— *The Honble* RIP VAN DAM, Esqr, President,

Dr COLDEN,
Mr ALEXANDER,
Mr VAN HORNE,
Mr LIVINGSTON,
Mr KENNEDY,
Mr DE LANCEY,
Mr COURTLANDT.

A Message from the Assembly by Coll Matthews with the Bill Entitled, An Act to continue An Act Entitled, An Act to prevent Damages by Swine in the precinct of Tapan and some other parts contiguous thereto in the County of Orange and desiring the concurrence of this Board thereto

Ordered, that the Said Bill be Read

Then the Said Bill was read the first Time and
Ordered a Second Reading
A Message from the Assembly by Coll Philipse with the Bill Entitled, An Act to provide able Pilots and to Establish their Pilotage between Sandy Hook and the port of New York and Desiring the Concurrence of this Board thereto
Ordered, that the Said Bill be read
Then the Said Bill was read the first time &
Ordered a Second Reading

Att a Council held at ffort George in New York, the 18th *of September*, 1731.

PRESENT — *The Honble* RIP VAN DAM, Esqr, President,

Dr COLDEN,	Mr KENNEDY,
Mr ALEXANDER,	Mr DE LANCEY,
Mr LIVINGSTON,	Mr COURTLANDT.

The Bill Entituled, An Act to Continue An Act Entitled, An Act to prevent Damages by Swine in the precinct of Tappan and Some other parts Contiguous thereto in the County of Orange was read a Second time & Committed to the Gentlemen of the Council or any five of them
The Bill Entitled, An Act to provide Able Pilots and to Establish their Pilotage between Sandy Hook and the port of New York was read a Second time and Committed to the Gentlemen of the Council or Any five of them
His Honour withdrawing The Board resolved into a Committee to Consider of the two Aforegoing Bills
The Committee being Agreed on their Report by them to be made thereon and the President being Acquainted therewith
His Honour return'd to the Council Chamber
Then Mr De Lancey Chairman of the Committee in his place reported from the Said Committee that they were ready to make their report thereof when this Board would please to receive the Same
Ordered, that the Said Report be made immediately
Then Mr De Lancey Chairman in his place reported that they had gone through the Said Bill Entitled, An Act to provide Able Pilots & to Establish their pilotage between Sandy Hook and the port of New York with Some Amendments
Ordered, that the Amendments made to the Said Bill be read
Then the Amendments made to the Said Bill were read and the Question was put
Whether the Board agreed to the Said Amendments?
And the Same were agreed to and approved of by the Board
Order'd, that the Said Bill be read the third time As Amended
Mr De Lancey further reported from the Said Committee that they had gone through the Bill Entituled, An Act to Continue An Act Entitled, An Act to prevent Damages by Swine in the precinct of Tappan and Some other parts contiguous thereto in the County of Orange without Any Amendments
Ordered, that the Said Bill be read the third time
His Honour laid before the Board a Message to him from the Assembly of the 15th Jnstant purporting to be a Resolve and order of that house that Sundry persons therein named Should by An Act be Authorized & impowered to make Solicitations at the Court of Great Britain against the monopoly Aimed at by the Sugar Colonys
That the House being sensible that such solicitations would require money to Defray the necessary expence thereof and it appearing to that House that none could be readily procured but out of that ffund which stands appropriated for the support of his Majestys Government and that there was a large Ballance due thereon in favour of this Colony It was therefore the order of that House that Coll Philipse (one of the members thereof) should desire his Honour & the Gent of the Council to approve and agree that so much might be Employ'd out of the said ffund as would purchase a Bill of Exchange for the sum of two hundred pounds sterling
Which Message having been read It is
Ordered, that the Deputy Clerk of this Board do acquaint the House of Representatives that this Board desires that they would appoint a Committee of their House to meet a Committee of this Board to conferr upon the subject matter of their Resolve and order of the 15th Jnstant

Att a Council held at ffort George in New York, the 20th *day of September*, 1731.

PRESENT — *The Honble* RIP VAN DAM, Esqr, President,

Dr COLDEN, Mr ALEXANDER, Mr VAN HORNE, Mr LIVINGSTON, Mr DE LANCEY, Mr COURTLANDT.

The Bill Entitled, An Act to provide able Pilots and to Establish their Pilotage between Sandy Hook and the Port of New York was read the third time as amended and past

Ordered, that Mr De Lancey do carrye the said Bill with the amendments made thereto to the House of Representatives and Desire their concurrence to the same

The Bill Entitled, An Act to continue An Act Entitled, An Act to prevent Damages by Swine in the precinct of Tappan and some other parts contiguous thereto in the County of Orange was read the third time and past without any amendments

Ordered, that Mr De Lancey do acquaint the House of Representatives that this Board has past the said Bill without any Amendments

A Message from the Assembly by Captain Rutgers with the Bill Entitled, An Act to Explain part of An Act Entitled, An Act to repeal some parts & to continue & enforce other parts of the Act therein mentioned and for granting severall dutys to his Majesty for supporting his Governmt in the Colony of New York from the first day of September 1728 until the first day of September which will be in the year 1733 and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time and

Ordered a Second Reading

A Message from the Assembly by Coll Philip Schuyler with the Bill Entitled, An Act to Support the Troops at Oswego and to regulate the Indian Trade there and desiring the concurrence of this Board thereto

Order'd, that the said Bill be read

Then the said Bill was read the first time and

Ordered a Second Reading

A Message from the Assembly by Captain Rutgers with the Bill Entitled, An Act for Naturalizing Heero Ellis, Theunis Visser, Anna D' Harriette and Phillipus Langerbeen and Desiring the concurrence of this Board thereto.

Ordered, that the said Bill be read

Then the said Bill was read the first time &

Ordered a Second Reading

Att a Council held at ffort George in New York, the 21st *day of September*, 1731.

PRESENT — *The Honble* RIP VAN DAM, Esqr, President,

Dr COLDEN, Mr VAN HORNE, Mr LIVINGSTON, Mr KENNEDY, Mr DE LANCEY, Mr COURTLANDT.

The Bill Entitled, An Act to Explain part of An Act Entitled, An Act to repeal some parts & to continue & enforce other parts of the act therein mentioned and for granting severall Dutys to his Majesty for Supporting his Governmt in the Colony of New York from the first day of Septemr 1728 until the first day of September which will be in the year 1733 was read a Second time and committed to the Gentlemen of the Council or any five of them

The Bill Entitled, An Act for Naturalizing Heero Ellis Theunis Visser, Anna D' Harriette & Phillipus Langerbeen was Read a Second time and committed to the Gentlemen of the Council or any five of them

His Honor withdrawing, The Board resolved into a committee to consider of the two aforegoing Bills

The Committee being agreed on their Report by them to be made thereon and the President being acquainted therewith

His Honour return'd to the Council Chamber & took his place

Then Mr De Lancey Chairman of the Committee in his place reported from the said Committee that they were ready to make their report thereof when this Board would please to receive the same

Ordered, that the said Report be made Immediately

Then Mr De Lancey in his place reported that they had gone through the said two Bills without any amendments which report was agreed to and approved of by the Board

Order'd, that the said two Bills be read the third time

Att a Council held at ffort George in New York, the 22d day of September, 1731.

PRESENT — *The Honble* RIP VAN DAM, Esqr, President,

Dr COLDEN, Mr KENNEDY,
Mr VAN HORNE, Mr DE LANCEY.
Mr LIVINGSTON,

The Bill entitled, An Act to Explain part of An Act Entitled, An Act to repeal Some parts & to Continue and enforce other parts of the Act therein mentioned and for granting Severall dutys to his Majesty for Supporting his Government in the Colony of New York from the first day of September 1728 until the first day of September which will be in the year 1733 was read the third time and past without Any Amendments

Ordered, that Mr De Lancey do acquaint the House of Representatives that this Board has pass't the Said Bill without any Amendments

The Bill entitled, An Act to Support the Troops at Oswego and to regulate the Indian Trade there Was read a Second time & Committed to the Gentl of the Council or any five of them

Att a Council held at ffort George in New York, the 23d day of September, 1731.

PRESENT — *The Honble* RIP VAN DAM, Esqr, President,

Dor COLDEN, Mr LIVINGSTON,
Mr ALEXANDER, Mr KENNEDY,
Mr VAN HORNE, Mr COURTLANDT.

Mr Livingston Chairman of the Committee (to whom the Bill Entituled, An Act to Support the Troops at Oswego & to regulate the Indian Trade there was referred) reported from the Committee that they were ready to make their report thereof when this Board would please to receive the Same

Ordered, that the Said Report be made Immediately

Then Mr Livingston in his place reported that the Committee had gone through the Said Bill without Any Amendments

Which Report was agreed to and approved of by the Board

Ordered, that the Said Bill be read the third time

Then the Said Bill was read the third time and past without any amendments

Order'd, that Mr Livingston do Acquaint the House of Representatives therewith

A Message from the Assembly by Coll Philipse That that House do agree to the Amendments made by this Board to the Bill Entitled, An Act to provide Able Pilots and to Establish their Pilotage between Sandy Hook and the port of New York

Att a Council held at ffort George in New York, the 24th of Sepr, 1731.

PRESENT — *The Honble* RIP VAN DAM, Esqr, President,

Dor COLDEN, Mr LIVINGSTON,
Mr ALEXANDER, Mr KENNEDY,
Mr VAN HORNE, Mr COURTLANDT.

A Message from the Assembly by Captain Rutgers with the Bill Entitled, An Act to empower Samuel Baker & others to Employ proper persons for the service of this Colony at the Court or in the Parliament of Great Britain and Desiring the concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time and

Ordered a second reading

A Message from the Assembly by Col Myndert Schuyler with the Bill Entitled, An Act for fortifying the City of Albany and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time &

Order'd a Second Reading

Post Meridiem

PRESENT — *The Honb^le* RIP VAN DAM, Esqr, President,

Do^r COLDEN,
Mr ALEXANDER,
M^r VAN HORNE,
Mr LIVINGSTON,
Mr KENNEDY,
M^r DE LANCEY,
Mr COURTLANDT.

His Honour laid before the Board a Resolve of the Assembly setting forth that one Margret Westivelt of Kings County had no other way of Supporting herself Husband and Mother but by Pedling with small wares on foot in the said County and in the western parts of Queens County and Being unable to pay the Tax Imposed on Pedlars by a Law of this Colony Therefore prayed that she might be permitted to pedle in the places aforesaid without paying the duty aforesaid. Wherefor the House resolves that in case the President & Gentlemen of the Council should concurr therein that then the said Margret Westervelt might be permitted to pedle on foot in the places aforesaid free from the said duty during the continuance of the Law in that behalf made and provided.

On Reading whereof It it the unanimous opinion of this Board that this Board cannot agree to nor concurr with the said Resolve

Att a Council held at ffort George in New York, the 25th day of Sept^r, 1731.

PRESENT — *The Honourable* RIP VAN DAM, Esqr, President,

Mr ALEXANDER,
M^r VAN HORNE,
Mr LIVINGSTON,
Mr KENNEDY,
Mr COURTLANDT.

The Bill Entitled, An Act to Impower Samuel Baker and others to Employ proper persons for the service of this Colony at the Court or in the Parliament of Great Britain was read a second time and committed to the Gentlemen of the Council or any five of them

The Bill Entitled, An Act for fortifying the City of Albany was read a Second time & Committed to the Gent. of the Council or any five of them

A Message from the Assembly by Coll Beekman with the Bill Entitled, An Act to Enlarge & release Andrew Law Junr upon Surrendring his Estate In the manner & for the use therein mentioned and Desiring the Concurrence of this Board thereto

Ordered, that the Said Bill be read

Then the Said Bill was read the first time &

Ordered a Second Reading

Att a Council Held at ffort George in New York, the 29th of Septe^r, 1731.

PRESENT — *The Honb^le* RIP VAN DAM, Esqr, President,

M^r VAN HORNE,
Mr PROVOOST,
Mr LIVINGSTON,
Mr KENNEDY,
Mr COURTLANDT.

The Bill Entitled, An Act to Enlarge and Release Andrew Law Junr upon Surrendring of his Estate in the manner and for the use therein mentioned was read a Second time and Committed to the Gentlemen of the Council or any five of them

Post Meridiem

PRESENT as above

Mr Livingston Chairman of the Committee (to whom the Bill Entitled, An Act for fortifying the City of Albany, And Also the Bill Entitled, An Act to enlarge and release Andrew Law Junr upon Surrendring his Estate in the manner and for the use therein mentioned, And also the Bill Entitled, An Act to Impower Samuel Baker & others to Employ proper persons for the Service of this Colony at the Court or in the Parliament of Great Britain were referred, reported from the Said Committee that they were ready to make their Report thereof when this Board would please to receive the Same

Ordered, that the Said Report be made Immediately

Then Mr Livingston in his place reported that they had gone through the two Bills to Witt the Bill Entitled, An Act for fortifying the City of Albany And Also the Bill Entitled, An Act to enlarge & release Andw Law Junr &c without any Amendments.

Which Report was approved of by the Board

Ordered, that the Said two Bills be read the third time

Then the Said two Bills were read the third time & past without any amendments

Ordered, that Mr Livingston do acquaint the House of Representatives therewith

And as to the Bill Entitled, An Act to Jmpower Samuel Baker and others to Employ proper persons for the Service of this Colony at the Court or in the parliament of Great Britain The Said Mr Livingston further reported from the Said Committee that the Committee having Considered one clause in that Act which is for the Issuing of £250 Sterl payable to said Mr Baker and others in the Said Act particularly named out of the moneys arisen by Virtue of An Act Entitled, An Act to repeal Some parts & to Continue and Enforce other parts of the Act therein mention'd and for granting Severall Dutys to his Majesty for Supporting his Government in the Colony of New York from the first Day of September 1728 to the first of September 1733 and believing that the President would make Some objections against the passing of the Said Act in as much as they conceived that part thereof without the Kings Royal Leave for that purpose to be illegal & also against one of his Majesties Instructions prohibiting the passing of any Law whereby his Majesties Revenue might be Impaired or Lessened, wherefore the Committee were of opinion that it would be necessary to have a Conferrence with the Speaker of the Assembly and Some of the members of that House Concerning that Clause in the Said Act, that Accordingly a Message was Sent from the Said Committee to the Speaker of the Assembly acquainting him therewith That the Speaker and the following members of the Assembly to Wit Adolph Philipse, Stephen De Lancey, Abraham Graesbeek Chambers, Myndert Schuyler, Garritt Van Horne, Philip Schuyler and Henry Beekman accordingly attending at the Said Committee Mr Livingston read before the whole Board a Copy of One of his Majesties Instructions prohibiting the passing of any Law whereby his Majesties Revenue might be Impaired or Lessen'd

Then the Question was put

Whether the Act then before the Committee was against the Intent of the said Instruction or not?

And by the majority of voices It was carried in the negative

Whereupon The Committee of the Council considering that there was a necessity of an immediate Supply of Money in order to procure proper Solicitations to be made at the Court of Great Britain in order to prevent the monopoly act aimed at by the Sugar Colonys its passing into a Law which would be of the worst ill consequence to this Colony and the Inhabitants thereof and that there was no other way of speedily raising money for the Ends aforesaid but by the Method in the Act aforesaid prescribed Therefore agreed to report the said Bill without any amendments

All which Mr Livingston having reported to this Board and at the same time Declared that it was the unanimous resolution and Desire of the Committee that this should be made no President for the future

The Question was put

Whether the Board agreed to the said Report?

And the same was agreed to & confirmed Then it was

Ordered, that the said Bill should be Read the third time

Then the said Bill was read the third time and pass't without any amendments

Order'd, that Mr Livingston do acquaint the House of Representatives therewith

Att a Council held at ffort George in New York, the 30th *Septemb*r, 1731.

PRESENT — *The Honble* RIP VAN DAM, Esqr, President,

Mr HARRISON,	Mr LIVINGSTON,
Mr VAN HORNE,	Mr KENNEDY,
Mr PROVOOST,	Mr COURTLANDT.

The affairs during the present Session of the Assembly being now finished His Honr askt the Gentlemen of the Council to what time they would advise him to adjourn the Generall Assembly

Whereupon the Gentlemen of the Council did advise his Honour to adjourn the said Generall Assembly until the second Tuesday in December next.

Ordered, that the Deputy Clerk of the Council do acquaint the House of Representatives that his Honour requires their Jmmediate attendance at the Council Chamber

The Assembly accordingly attending with their Speaker, His Honour was pleased to give his Assent to the following Bills to witt

1. An Act for the further continuance of An Act Entituled, An Act for settling and regulating the Militia in this province & making the same usefull for the Security & Defence thereof and for repealing all other Acts relating to the same during the time therein mentioned

2 An Act for the further continuing of An Act Entitled, An Act to let to ffarm the Excise of Strong liquors retailed in this Colony for the time therein mentioned and for Declaring Shrub lyable to the same Duties as Distilled liquors

3 An Act to provide able Pilots and to Establish their Pilotage between Sandy Hook and the port of New York

4 An Act to Continue An Act Entituled, An Act to prevent Damages by Swine in the precinct of Tappan and some other parts contiguous thereto in the County of Orange

5 An Act to Explain part of An Act Entituled, An Act to repeal some parts & to continue and Enforce other parts of the Act therein mentioned and for granting severall Dutys to his Majesty for Supporting his Government in the Colony of New York from the first of September 1728 to the first September which will be in the year 1733

6 An Act to Support the Troops at Oswego and to regulate the Jndian Trade there

7 An Act for fortifying the City of Albany

8 An Act to Enlarge & Release And^{w} Law Junr upon surrendring of his Estate in the manner and for the use therein mentioned

9 An Act to Jmpower Samuel Baker & others to employ proper persons for the service of this Colony at the Court or in the parliament of Great Britain

And afterwards his Honour attended with the Gent of the Council & the House of Representatives went to the City Hall and there published the severall Acts aforesaid

His Honour returning to the Council Chamber attended with the Gentlemen of the Council and the House of Representatives made a speech to the Gentlemen of the Assembly which is in the Words vizt

Gentlemen,

As I now have given my Assent to such Laws as at this time seemed to be of absolute necessity for the welfare of this province so I have considered that by reason of the Distemper (I mean the Small pox) now spread amongst us, which has hindred some of the members of the Generall Assembly to meet this Session and caused others that were met to desire Leave to withdraw You would be glad of a Recess, I have therefore thought fit by and with the advice of his Majesties Council to Direct the Generall Assembly to adjourn themselves until the Second Tuesday in December next Ensuing

RIP VAN DAM.

[N. Y. Col. MSS. LXX., 7.]

BY THE HONORABLE

(L S) RIP VAN DAM Esqr President of his Majesties Council for the Province of New York

A PROCLAMATION.

WHEREAS the General Assembly of the province of New York stands Adjourned to the second Tuesday in December Instant I have therefore thought fitt by vertue of the Powers and Authoritys on me Devolved by his Majesty's Letters Patents under the Great Seal of Great Brittain & by & with the advice & consent of his Majestys Council of ye s^{d} province ffurther to adjourn the said General Assembly untill the *second* Tuesday of *January* next And I do hereby accordingly adjourn the said General Assembly untill the *second* Tuesday in *January* of which all his Majestys Subjects are to take Notice and Govern themselves accordingly

Given under my hand and seal in *New York* the *tenth* day of *December* in the fifth year of his Majestys Reign Annoq Domini 1731

RIP VAN DAM.

By his Honours Command
FFRED^{k} MORRIS *D. Sēccry*

God save the KING

[In Executive Session]

March 13. 1731

The General Assembly of this province standing adjourned until the Second Tuesday of this Instant March His Honor has thought fit by and with the advice and consent of the Gentlemen of the Council now assembled further to adjourn the said Generall Assembly until the Second Tuesday of April next and

Ordered, that a Proclamation do issue accordingly

After this President out of Council adjourned the Assembly to the 2d Tuesday of May.

May 5th 1732

The Generall Assembly of this Province standing adjourned until the second Tuesday of this Instant May His Honour by and with the advice of the Gentlemen of the Council now met has thought fit further to adjourn the said Generall Assembly until the said Second Tuesday of June next and

Ordered, that a Proclamation do accordingly issue

June 6th 1732

The Assembly standing adjourned to the 2d Tuesday of June the President out of Council further adjourned the Assembly to the first Tuesday of July.

July 3d 1732

The Generall Assembly of the Province of New York standing adjourned until the first Tuesday of this Instant July, His Honour has thought fit with the advice and consent of the Gentle of the Council now assembled further to adjourn the said Generall Assembly until the first day of August next & then peremptorily to meet and in Generall Assembly to convene without any further notification and

Ordered, that a Proclamation issue accordingly

August 1st 1732

The Generall Assembly of the Province of New York standing adjourned until this day His Honour with the advice and consent of the Gentlemen of the Council now assembled has thought fit further to adjourn the said Generall Assembly until Thursday next being the third day of this Instant August and

Ordered, that a Proclamation do accordingly Issue

August 3d 1732

The Generall Assembly of the Province of New York standing adjourned until this day His Excellency (Governor Cosby) has thought fit with the advice of the Council further to adjourn the said Generall Assembly until Tuesday next being the 8th day of this Jnstant August

Memdm That on the 8th day of August, the Generall Assembly was prorogued until the day following.

TWENTIETH ASSEMBLY FOURTH SESSION.

Att a Councill held at ffort George in New York, the 10th *day of August*, 1732.

PRESENT — *His Excellency* WILLIAM COSBY, Esqr, Captain Genrall & Govr in Chief, &c.,

Mr VAN DAM,
Mr CLARKE,
Mr HARRISON,
Mr PROVOOST,
Mr COURTLANDT.

Ordered, that the Deputy Clerk of this Board do acquaint ye house of Representatives that his Excellency requires their imediate attendance at the Councill Chamber

The House of Representatives accordingly attending with their Speaker

His Excellency made the following Speech to them which is in ye words following vizt

Gentlemen

When his Matie was graciously pleased to appoint me Governour of this Province I intended to embark early in the Spring but upon the application of your Agents I quitted that resolution in order to give the best assistance I was able towards the defeating the Bill then depending in Parliament in favour of the Sugar Islands; what Success it has had you very well know

Gentlemen

I am extreamly pleased to see you So soon assembled after my arrivall The season of the year & exigence of affairs requiring not only a Speedy application but your utmost attention and I do not in the least doubt but that you are met together determined to Support his Maties Government by Settling upon him a Revenue in as full & ample a Manner and at least for as long a time as you or any former Assembly have at any time given it and to make Such provision for the maintenance of the Garrison of Oswego and for the repairs of that place as well as the rest of the Garrisons as their ruinous Condition requires this will encourage the Soldiers to do their Duty chearfully give the five Nations a full assurance of protection and make your trade more extensive among the remote Indians & in all things answer the end to which it is designed Those things his Matie, the best of Kings, whose universall care of his subjects he makes his greatest glory, thinks, for your own Sakes you Should do therefore expects it from this Assembly of whose Loyalty and Dutifull affection to his person and Government he is fully Satisfyed

Gentlemen

I am Commanded to assure you of his Majesties protection in your Religion and all your just rights & libertys and of his gracions Inclination to encourage your trade on which the Strength and prosperity of the province does in a great measure depend if any new Laws are necessary for the encouragemt & enlarging of your trade in any of its branches you may depend upon my concurring with you and if there be any thing wanting to make you a fflourishing and happy people you may be assured I will use my utmost power & interest to Serve you

W COSBY

Att a Council held at ffort George in New York, the 23d *day of Augt*, 1732.

PRESENT — *His Excellency* WILLIAM COSBY, Esqr, Capt Genall and Govr in Chief, &c.,

Mr CLARKE,
Mr HARRISON,
Dr COLDEN,
Mr ALLEXANDER,
Mr VAN HORNE,
Mr LIVINGSTON,
Mr KENNEDY,
Mr DE LANCEY.

Dr Colden & Mr Livingston two of the members of this Board took the usuall oaths by Law appointed to be taken repeated and subscribed the Test & also took the oath of a privy Councellor

A Message from the Assembly by Mr Garritsen with the Bill entitled, an Act for the further continuing an Act entitled, an Act to let to ffarm the Excise of Strong liquors retailed in this

Colony for the time therein mentioned & for declaring Shrub lyeable to the same Dutys as distilled liquors & desiring the Concurrence of this Board thereto

Ordered, that the Said Bill be read

Then the Said Bill was read the first time &

Ordered a Second reading

Att a Council held at ffort George in New York, the 24th day of August, 1732.

PRESENT— *His Excellency* Wm COSBY, Esqr, Captn Generall & Govr in chief, &c.,

Mr VAN DAM,
Mr CLARKE,
Mr HARRISON,
Dr COLDEN,
Mr ALLEXANDER,
Mr VAN HORNE,
Mr LIVINGSTON,
Mr KENNEDY,
Mr DE LANCEY.

The Bill entitled, an Act for the further continuing an Act entitled, an Act to lett to ffarm the Excise of Strong liquors retailed in this Collony for the time therein mentioned and for declaring Shrub lyeable to the same Dutys as distilled Liquors was read a second time and committed to the Gent of the Councill or any five of them

Att a Councill held at ffort George in New York, the 25th day of August, 1732.

PRESENT— *His Excellency* Wm COSBY, Esqr, Captain Genrall and Govr in chief, &c.,

Mr CLARKE,
Mr HARRISON,
Mr LIVINGSTON,
Mr DE LANCEY,
Mr COURTLANDT.

Mr Clarke Chairman of the Committee (to whom was Committed the Bill entitled, An Act for the further continuing An Act entitled, An Act to let to farm the Excise of Strong liquors retailed in this Collony for the time therein mentioned and for declaring Shrub lyeable to the same Dutys as distilled liquors) in his place reported from the said Committee that the Committee were ready to make their report thereof when this Board wo'd please to receive the same

Ordered, that the Said report be made immediately

Then Mr Clarke in his place reported that the Committee had gone through the Said Bill without any amendments

Which report was agreed to and approved of by the Board

Ordered, that the said Bill be read the third time

Then the Said Bill was read the third time & past without any Amendment

Ordered, that Mr Clark do acquaint the house of Representatives therewith

Att a Councill held the 15th day of Septembr, 1732, *at ffort George in New York.*

PRESENT— *His Excellency* WILLIAM COSBY, Esqr, Captain Genrall and Govr in Chief, &c,

Mr VAN DAM,
Mr CLARKE,
Mr ALLEXANDER,
Mr KENNEDY,
Mr DE LANCEY,
Mr COURTLANDT.

A Message from the Assembly by Coll Gaasbeck with the Bill entituled, An Act for the further continuance of An Act entituled, An Act for settling and regulating the Militia in this Province and making the same usefull for the security and defence thereof and for repealing all other Acts relating to the same During the time therein mentioned And Desiring the Concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time and

Ordered a 2d reading

A Message from the Assembly by Majr Plat with the Bill entitled, An Act to prevent the destruction of Sheep by Doggs And Desiring the Concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time and
Ordered a second reading
A Message from the Assembly by Coll Hutchinson with the Bill Entituled, An Act for the better clearing regulating and further laying out publick highways in the County of Suffolk And Desiring the Concurrence of this Board thereto
Ordered, that the said Bill be read
Then the said Bill was read the first time and
Ordered a second reading
A Message from the Assembly by Coll Hicks with the Bill Entituled, An Act to prevent the penning or ffolding of Sheep and Neat Cattle feeding on Hempstead plains And Desiring the Concurrence of this Board thereto
Ordered, that the said Bill be read
Then the said Bill was read the first time and
Ordered a second reading
A Message from the Assembly by Coll Willet with the Bill Entituled, An Act for reviving An Act entitled, An Act for the better clearing regulating and further laying out publick high roads in the County of West Chester and Desiring the Concurrence of this Board thereto
Ordered, that the said Bill be read
Then the said Bill was read the first time &
Ordered, a second reading

Att a Councill held at ffort George in New York, the 21st *Sepr*, 1732.

PRESENT— *His Excellency* Wm COSBY, Esqr, Captn Genrall and Govr in Chief, &c.,

Mr VAN DAM, Mr KENNEDY.
Mr CLARKE, Mr DE LANCEY.
Mr ALLEXANDER,

A Message from the Assembly by Capt Pawling with the Bill entitled, An Act for continuing An Act entitled, An Act for the better clearing regulating and further laying out publick high roads in the County of Ulster And Desiring the Concurrence of this Board thereto
Ordered, that the said Bill be read
Then the said Bill was read the first time &
Ordered a 2d reading
A Message from the Assembly by Coll Morris with the Bill entitled, An Act for the speedy punishing and releasing such persons from Imprisonment as shall Committ any criminall offence under the degree of Grand Larceny in the severall Countys therein mentioned and Desiring the Concurrence of this Board thereto
Ordered, that the said Bill be read
Then the said Bill was read the first time &
Ordered a second reading
A Message from the Assembly by Capt Hicks with the Bill entitled, An Act for reviving An Act entitled, An Act to prevent the setting on fire or burning the old Grass on Hempstead plains and desiring the Concurrence of this Board thereto
Ordered, that the said Bill be read
Then the said Bill was read the first time &
Ordered, a 2d reading
A Message from the Assembly by Mr Lott with the Bill entitled, An Act for reviving An Act entitled, An Act to prevent desertion from his Maties forces in the province of New York and for providing remedys for that purpose in cases not provided by the said Act and desiring the Concurrence of this Board thereto
Ordered, that the said Bill be read
Then the said Bill was read the first time &
Ordered a second reading
A Message from the Assembly by Coll Heering with the Bill entitled, An Act for continuing An Act entitled, An Act for the better clearing regulating and further laying out publick highways in Kings County, Queens County, Richmond County & Orange County and desiring the Concurrence of this Board thereto
Ordered, that the said Bill be read
Then the said Bill was read the first time &
Ordered a second reading
A Message from the Assembly by Coll Philipse with the Bill entitled, An Act for the relief of such Insolvent Debtors as shall be charged in execution for debts not exceeding ffourty shillings and the costs of suits in the severall Countys therein mentioned and desiring the Concurrence of this Board thereto

Ordered, that the said Bill be read
Then the said Bill was read the first time and
Ordered a 2d reading
A Message from the Assembly by Coll Beekman with the Bill entitled, An Act for reviving An Act entitled, An Act for the better clearing regulating and further laying out publick high roads in Dutchess County and for altering some of the Comissioners in the Neighbourhood of Wysack called Dover And desiring the Concurrence of this Board thereto
Ordered, that the said Bill be read
Then the said Bill was read the first time &
Ordered a second reading
A Message from the Assembly by Coll Morris with the Bill entitled, An Act to encourage the destroying of Wolves in the County of Albany, Ulster County, Orange County, Dutches County and County of West Chester And desiring the Concurrence of this Board thereto
Ordered, that the said Bill be read
Then the said Bill was read the first time &
Ordered a second reading
A Message from the Assembly by Mr De Lancey with the Bill entitled, An Act for confirming unto the City of New York its rights and priviledges and desiring the Concurrence of this Board thereto
Ordered, that the said Bill be read
Then the said Bill was read the first time &
Ordered a second reading
The Bill entitled, An Act for the further Continuance of An Act entitled, An Act for settling & regulating the Militia in this province and making the same usefull for the security and defence thereof and for repealing all other Acts relating to the same during the time therein mentioned Was read a second time and Committed to the Gentlemen of the Councill or any five of them
The Bill entitled, An Act to prevent the destruction of Sheep by Dogs was read a second time and committed to the Gent of the Councill or any five of them
The Bill entitled, An Act for the better clearing regulating and further laying out of publick highways in the County of Suffolk was read a second time And committed to the Gent of the Council or any five of them
The Bill entitled, An Act to prevent the penning or ffolding of Sheep and Neatt Cattle feeding on Hempstead plains was read a second time and Committed to the Gent of the Councill or any five of them
The Bill entitled, An Act for reviving An Act entitled, An Act for the better clearing regulating and further laying out publick high roads in the County of West Chester was read a second time and Committed to the Gentlemen of the Councill or any five of them

Att a Councill held at ffort George in New York, the 22d day of September, 1732.

PRESENT — *His Excellency* Wm COSBY, Esqr, Captain Generall and Governour in Chief, &c.,

Mr VAN DAM,	Mr KENNEDY,
Mr CLARKE,	Mr DE LANCEY,
Mr ALLEXANDER,	Mr COURTLANDT.

Mr De Lancey Chairman of the Committee (to whom the following Bills were committed vizt the Bill entitled, An Act for the further Continuance of An Act entitled, An Act for Settling and regulating the Militia in this province and making the Same usefull for the Security and defence thereof and for repealing all other acts relating to the same during the time therein mentioned, and also the Bill entitled, An Act to prevent the Destruction of Sheep by Doggs, and also the Bill entitled An Act for the better clearing regulating and further laying out publick Highways in the County of Suffolk, and also the Bill entitled, An Act for reviving An Act entitled, An Act for the better clearing regulating and further laying out publick highroads in the County of West Chester, and also the Bill entitled, An Act to prevent the penning or ffolding of Sheep and Neatt Cattle feeding on Hempstead plaines) reported from the said Committee that they were ready to make their report thereof when this Board would please to receive the same
Ordered, that the said report be made Immediately
Then Mr De Lancey in his place Reported from the said Committee that they had gone through the sd first four mentioned Bills without any amendments
Then the question was putt
Whether the Board agreed to the said report?
And the same was agreed to and approved of by the Board
Ordered, that the said first four mentioned Bills be Read the third time

Then the same Bills were Read the third time and past without any amendments

Ordered that Mr De Lancey do acquaint the house of Representatives therewith

And as to the Bill entitled, An Act to prevent the penning or ffolding of Sheep and Neatt Cattle feeding on Hempstead plains Mr De Lancey further reported from the said Committee that they had gone through the said Bill with an amendment

Ordered that the Amendment made to the said Bill be read

Then the Amendment made to the said Bill was read and

The question being putt

Whether the Board agreed thereto?

The same was agreed to and approved of by the Board

Ordered, that the Said Bill be read the third time as amended

Then the Said Bill was read the third time as amended and past

Ordered, that Mr De Lancey do carry the said Bill with the Amendment made thereto to the House of Representatives and desire their Concurrence to the same

The Bill entitled, An Act for continuing An Act entitled, An Act for the better clearing regulating and further laying out publick high roads in the County of Ulster was read a second time and committed to the Gentlemen of the Councill or any five of them

The Bill entitled, An Act for the Speedy punishing and releasing Such persons from Imprisonment as shall committ any criminall offences under the degree of Grand Larceny in the severall Countys therein mentioned Was read a second time and committed to the Gentlemen of the Councill or any five of them

The Bill entitled, An Act for reviving An Act entitled, An Act to prevent the setting on fire or burning the old grass on Hempstead plaines was read a second time and committed to the Gentlemen of the Councill or any five of them

The Bill entitled, An Act for reviving An Act entitled, An Act to prevent Desertion from his Maties ffforces in the Province of New York and for providing remedys for that purpose in cases not provided by the Said Act Was read a second time & committed to the Gentlemen of the Councill or any five of them

The Bill entitled, An Act for continuing An Act entitled, An Act for the better clearing regulating and further laying out publick highways in Kings County, Queens County, Richmond County and Orange County Was read a second time and committed to the Gent of the Council or any five of them

The Bill entitled, An Act for the relief of Such insolvent Debtors as shall be charged in Execution for debts not exceeding ffforty Shillings and the costs of suits in the Severall Countys therein mentioned Was read a second time & cōmitted to the Gent of the Councill or any five of them

The Bill entitled, An Act for reviving An Act entitled, An Act for the better clearing regulating and further laying out Publick highroads in Dutches County and for altering Some of the Cōmissioners in the Neighbourhood of Wysack called Dover, was read a second time and committed to the Gentlemen of the Councill or any five of them

The Bill entitled, An Act to encourage the destroying of Wolves in the County of Albany, Ulster County, Orange County, Dutches County and County of West Chester was read a second time and committed to the Gent of the Councill or any five of them

The Bill entitled, An Act for confirming unto the City of New York it's rights and priviledges was read a second time and committed to the Gentlemen of the Councill or any five of them

A Message from the Assembly by Captn Van Horne with the Bill entitled, An Act for Naturalizing Maria Veldtman, Geertruyda Veldtman, Hendrick Veldtman, Hans Veldtman, Johan Jacob Ell, Hero Ellis and Johannes ffranciscus Walter and desiring the Concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time and

Ordered a second reading

Att a Councill held at ffort George in New York, the 23d day of Septemr, 1732.

PRESENT — *His Excellency* Wm COSBY, Esqr, Captn Generall and Govr in chief, &c.,

Mr VAN DAM,
Mr CLARKE,
Mr ALLEXANDER,
Mr DE LANCEY,
Mr COURTLANDT.

Mr Allexander Chairman of the Committee (to whom were committed the Nine following Bills) vizt

1 The Bill entitled, An Act for continuing An Act entitled, An Act for the better clearing regulating and further laying out publick high roads in the County of Ulster,

2 The Bill entitled, An Act for the Speedy punishing and releasing Such persons from Imprisonm^t as shall committ any criminal offences under the degree of grand Larceny in the Severall Countys therein mentioned

3. The Bill entitled, An Act for reviving An Act entitled, An Act to prevent the Setting on fire or burning the old grass on Hempstead plaines

4. The Bill entitled, An Act for reviving An Act entitled, An Act to prevent Desertion from his Majesties ffoices in the Province of New York and for providing remedys for that purpose in Cases not provided by the Said Act

5. The Bill entitled. An Act for continuing An Act entitled, An Act for the better clearing regulating and further laying out publick highways in Kings County, Queens County, Richmond County and Orange County

6. The Bill entitled, An Act for reviving An Act entitled, An Act for the better clearing regulating and further laying out Publick highroads in Dutches County and for altering Some of the Cōmissioners in the Neighbourhood of Wysack called Dover

7 The Bill entitled, An Act to encourage the Destroying of Wolves in the County of Albany, Ulster County, Orange County, Dutches County and County of Westchester,

8. The Bill entitled, An Act for confirming unto the City of New York it's rights and priviledges and also

9 The Bill entitled, An Act for the relief of Such insolvent Debtors as shall be Charged in Execution for Debts not exceeding fforty Shillings and the Costs of Suit in the severall Countys therein mentioned) reported from the Said Committee that they were ready to make their report thereof when this Board wo'd please to receive the Same

Ordered, that the Said report be made immediately

Then Mr Allexander in his place reported from the s^d Cōmittee that they had gone through the first mentioned eight Bills without any amendments

Then the question being putt

Whether the Board agreed to the Said report

The Same was agreed to and approved of by the Board

Ordered, that the Said first mentioned Eight Bills be read the third time

Then the Said Bills were read the 3^d time and past without any amendments

Ordered, that Mr Allexander do acquaint the house of Representatives therewith

And as to the Bill entitled, An Act for the relief of such insolvent Debtors as shall be charged in Execution for Debts not exceeding fforty Shillings and the Costs of Suits in the severall Countys therein mentioned

Mr Allexander further reported from the Said Committee that they had gone through the said Bill with an Amendment

Ordered, that the amendment made to the Said Bill be read

Then the amendment made to the Said Bill was read and

The question being putt

Whether the Board agreed thereto ?

The same was agreed to and approved of by the Board

Ordered, that the Said Bill be read the third time as amended

Then the said Bill was read the third time as amended and past

Ordered, that Mr Allexander do carry the Said Bill with the amendment made by this Board thereto, to the house of Representatives and desire their Concurrence to ye Same

The Bill entitled, An Act for Naturalizing Maria Veldtman, Gertruyda Veldtman, Hendrick Veldtman, Hans Veldtman, Johan Jacob Ell, Hero Ellis and Johannes ffranciscus Walter, Was read a second time and committed to the Gent of the Councill or any five of them

Att a Councill held at ffort George in New York, the 28th *Sep^r*, 1732.

PRESENT — *His Excie* Wm COSBY, Captn Genall & Govr in chief, &c.,

M^r VAN DAM,
Mr CLARKE,
Mr HARRISON,
Mr ALLEXANDER,
Mr KENNEDY,
M^r DE LANCEY,
Mr COURTLANDT.

A Message from the Assembly by Coll Beekman with the Bill entitled, An Act for the relief of Such insolvent Debtors as shall be charged in Execution for debts not exceeding fforty Shillings and the costs of Suit in the Severall Countys therein mentioned that the House do agree to the amendments made by this Board to the Said Bill

A Message from the Assembly by Coll Beekman with the Bill entitled, An Act to prevent the penning or folding of Sheep and neat Cattle feeding on Hempstead plains, that that house do disagree to the amendment made By this Board to the Said Bill

Then the question being putt

Whether this Board wo'd adhere to their amendments made to the Said Bill ?

Resolved, That this Board do adhere to their amendment made to the Said Bill and

Ordered, that Mr De Lancey do accquaint the house of Representatives therewith

A Message from the Assembly by Mr Lott with the Bill entitled, An Act for reviving An Act entitled, An Act for Lycensing Hawkers and Pedlers within this Collony and for paying the Sum of Sixty pounds unto Richard Bradley Esqr and desiring the Concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time &

Ordered a second reading ·

A Message from the Assembly by Coll Gaasbeck with the Bill entitled, An Act to enable the Justices of the peace in Ulster County to build a Court house and Goal for the Said County & to enable them to dispose of the old County house and Goal and the Lott of Ground it Stands on and to enjoyn the Supervisors to raise the Charge of executing the Negroe therein mentioned and Desiring the Concurrence of this Board thereto

Ordered, That the Said Bill be read

Then the Said Bill was read the first time and

Ordered a second reading

Mr De Lancey moved for leave to bring in a Bill for ascertaining the boundaryes of the Countys of West Chester, Albany and Dutchess

Ordered, that Mr De Lancey have leave to present in a Bill accordingly

Then Mr De Lancey accordingly presented to the Board a Bill for the purposes aforesaid

Ordered, that the Said Bill be read

Then the Said Bill entitled, An Act to Ascertain the Boundaryes of the Countys of West Chester, Albany and Dutches was read a first time &

Ordered a second reading

*Att a Councill held at ffort George in New York, the 29th day of Septemb*r, 1732.

PRESENT — *His Excie* Wm COSBY, Esqr, Captn Genall & Govr in chief, &c,

Mr VAN DAM,
Mr CLARKE,
Mr HARRISON,
Mr ALLEXANDER,
Mr KENNEDY,
Mr DE LANCEY,
Mr COURTLANDT.

Mr Courtlandt Chairman of the Committee (to whom was committed the Bill entitled, An Act for Naturalizing Maria Veldtman, Gertruyda Veldtman, Hendrick Veldtman, Hans Veldtman, Johan Jacob Ell, Hero Ellis and Johannis ffranciscus Walter) reported from the Said Committee that they were ready to make their report thereof when this Board wo'd please to receive the Same

Ordered, that the Said report be made immediately

Then Mr Courtlandt in his place reported that they had gone thro' the Said Bill with Some amendments

Ordered, that the amendments made to the Said Bill be read

Then the amendments made to the Said Bill were read and

The question being putt

Whether the Board agreed thereto ?

The Same were agreed to and confirmed by the Board

Ordered, that the Said Bill be read the third time as amended

Then the Said Bill was read the third time as amended and past

Ordered, that Mr Cortlandt do carry the Said Bill with the amendmts made by this Board thereto, to the house of Representatives and desire their Concurrence to the Same

The Bill entitled, An Act for reviving An Act entitled, An Act for Lysensing Hawkers and pedlers within this Collony and for paying the Sum of Sixty pounds unto Richard Bradley Esq was read a Second time and committed to the Gent of the Councill or any five of them

The Bill entitled, An Act to enable the Justices of the peace in Ulster County to build a Court house and Goal for the said County, and to enable them to dispose of the old County house and Goal and the Lott of ground it stands on and to enjoyn the Supervisors to raise the Charge of executing the Negroe therein mentioned Was read a second time and committed to the Gent of the Councill or any five of them

The Bill entitled, An Act to ascertain the boundarys of the Countys of West Chester Albany and Dutches was read a second time and committed to the Gent of the Councill or any five of them

A Message from the Assembly by Capt Van Horne with the Bill entitled, An Act to revive and enforce part of An Act entitled, An Act to enlarge & release Andrew Law Junr upon surrendering of his Estate in the manner and for the use therein mentiond And Desiring the Concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time &

Ordered a 2^d reading

Att a Councill held at ffort George in New York, the 5th day of October, 1732.

PRESENT *His Excellency* WILL^m COSBY, Esqr, Captain Genall & Govr in Chief, &c.,

Mr CLARKE, M^r DE LANCEY,
Mr HARRISON, Mr COURTLANDT.
Mr KENNEDY,

A Message from the Assembly by Captn Rutgers with the Bill entitled, An Act for the speedy punishing and releasing such persons from Jmprisonment as shall committ any Criminal offences in the City of New York under the degree of Grand Larceny, and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time &

Ordered a second reading

The Bill entitled, An Act to revive & enforce part of An Act entitled, An Act to enlarge & release Andrew Law Junr upon surrendering of his Estate in the manner and for the use therein mentioned Was read a second time and committed to the Gentlemen of the Councill or any five of them

A Message from the Assembly by Captain Van Horne with the Bill entitled, An Act for Naturalizing Maria Veldtman, Gertruyda Veldtman, Hendrick Veldtman, Hans Veldtman, Johan Jacob Ell, Hero Ellis and Johannes ffrancisus Walter that that House do agree to the amendments made by this Board to the said Bill

Mr Harrison Chairman of the Committee to whom was Committed the three following Bills vizt (1.) The Bill entitled, An Act for reviving An Act entitled, An Act for lycensing Hawkers and pedlars within this Collony and for paying the sum of sixty pounds unto Richard Bradley Esqr (2) The Bill entitled, An Act to enable the Justices of the peace in Ulster County to build a Court house and Goal for the said County and to enable them to dispose of the old County house and Goal and the Lott of ground it stands on and to enjoyn the Supervisors to raise the Charge of executing the Negroe therein mentioned And (3) The Bill entitled, An Act to ascertain the boundaryes of the County of West Chester Albany and Dutches Reported from the said Committee that they were ready to make their report thereon when this Board wo'd please to receive the same

Ordered, that the said report be made immediately

Then Mr Harrison in his place Reported from the said Committee That as to the Bill entitled, An Act for reviving An Act entitled, An Act for lycensing Hawkers and pedlers &c The Committee had gone through the said Bill without any amendments

Then the question being putt

Whether the Board agreed to the said report?

The same was agreed to and approved of by the Board

Ordered, that the said Bill be read the third time

Then the said Bill was read the third time and past without any Amendments

Ordered, that Mr Harrison do accquaint the House of Representatives therewith

And as to the Bill entitled, An Act to enable the Justices of the peace in Ulster County to build a Court house and Goal for the said County &c The said Mr Harrison further reported from the said Committee That the Committee had gone through the said Bill with some amendments

Ordered, that the amendments made to the said Bill be read

Then the Amendments made to the said Bill were read

And the question being putt

Whether the Board agreed thereto?

The same were agreed to and approved of by the Board

Ordered, that the said Bill be read the third time as amended

Then the said Bill was read the third time as amended and past

Ordered, That Mr Harrison do carry the said Bill with the Amendments made by this Board thereto, to the house of Representatives and desire their Concurrence to the same

And as to the Bill entitled, An Act to ascertain the boundaryes of the Countys of West Chester Albany and Dutches Mr Harrison further reported from the said Committee That the Committee had gone through the said Bill with an amendment

Ordered, that the Amendment made to the said Bill be read

Then the Amendment made to the said Bill was read and the Board not unanimously agreeing to the amendment as made

The question was putt

Whether the sd Bill sho'd be recommitted?

Which was carryed in the affirmative and

Ordered, that the said Bill be recommitted accordingly

Attt a Council held at ffort George in New York, the 10th *day of Octr*, 1732

PRESENT — *His Excie* Wm COSBY, Esqr, Captn Genall & Govr in Chief, &c.,

Mr VAN DAM,
Mr CLARKE,
Mr HARRISON,
Mr VAN HORNE,
Mr KENNEDY,
Mr DE LANCEY,
Mr COURTLANDT.

A Message from the Assembly by Captn Van Horne & Captain Rutgers with the Bill entitled, An Act to repeal the Act and to cancell the bills of creditt therein mentioned, and to grant unto his Majesty severall dutys for supporting his Governmt in the Collony of New York untill the first day of September which will be in the year one thousand seven hundred and thirty seven and Desiring the Concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time and

Ordered a second reading

A Message from the Assembly by Coll Myndert Schuyler with the Bill entitled, An Act to discharge the sevrall demands on the trading house at Oswego to support his Maties troops posted there to regulate the Indian trade to prevent abuses in the same and for other purposes therein mentioned And Desiring the Concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time and

Ordered a second reading

A Message from the Assembly by Captn Rutgers with the Bill entitled, An Act to regulate the fferry between the City of New York and the Island of Nassaw and to establish the ferriage thereof And Desiring the Concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time and

Ordered a second reading

The Bill entitled, An Act for the speedy punishing and releasing such persons from Imprisonment as shall committ any criminall offence in the City of New York under the degree of grand Larceny Was read a second time and Committed to the Gentlemen of the Councill or any five of them

A Message from the Assembly by Coll Hicks of the 9th instant being laid before ye Board acquainting them that that House cannot agree to the amendments made by this Board to the Bill entitled, An Act to prevent the penning or ffolding of Sheep and Neatt Cattle feeding on Hempstead plaines And Desiring that a Committee of this Board may be appointed to meet a Committee of their House to confer upon the subject matter thereof at such time and place as this Board sho'd think fitt to appoint

On reading whereof It is

Ordered, that Mr De Lancey do acquaint the House of Representatives that this Board has appointed Mr Clarke Mr Harrison & Mr Cortlandt to be a Committee to join a Committee of that House to conferr together upon the subject matter of their said Message the 9th instant and that the time and place for such Committee to meet at be too morrow morning at nine of the Clock in the forenoon at the Coffee house in this City

A Message from the Assembly by Coll Gaasbeck with the Bill entitled, An Act to enable the Justices of the peace in Ulster County to build a Court house and Goal for the said County and to enable them to dispose of the old County house and Goal & the Lott of ground it stands on and to enjoyn the Supervisors to raise the Charge of executing the Negroe therein mentioned that that house Do agree to the amendments made by this Board to the said Bill

Mr Van Horne Chairman of the Committee (to whom were referred the two following Bills vizt The Bill entitled, An Act to revive and enforce part of An Act entitled, An Act to enlarge and release Andrew Law Junr upon surreudering of his Estate in the manner and for the use therein metioned and also the Bill entitled, An Act for the speedy punishing and releasing

such persons from Imprisonm^t as shall committ any criminall offences in the City of New York under the degree of Grand Larceny, reported from the said Committee that they were ready to make their report thereof when this Board wo'd please to receive the same

Ordered, that the said report be made immediately

Then Mr Van Horne in his place reported from the said Committee that they had gone through the said two Bills without any amendments

W^ch report was agreed to and approved of by the Board

Ordered, that the said two Bills be read the third time

Then the said two Bills were read the third time and past without any amendments

Ordered, that Mr Van Horne do acquaint the House of Representatives therewith

Mr Harrison Chairman of the Committee (to whom the Bill entitled, An Act to ascertain the boundaryes of the Countys of West Chester Albany and Dutches was recommitted) reported from the said Committee that they were ready to make their report thereof when this Board wo'd please to receive the same

Ordered, that the said report be made immediately

Then Mr Harrison in his place reported from the said Committee that they had gone through the said Bill and made a further amendm^t in the body thereof

Ordered, that the Amendment made to the said Bill be read

Then the Amendment made to the said Bill was read

And the question being putt

Whether the Board agreed thereto?

The same was agreed to and approved of by the Board

Ordered, that the Bill with the Amendments be ingrost

Att a Councill held at ffort George in New York, the 11th *day of Oct^r*, 1732.

PRESENT— *His Excie* Wm COSBY, Esqr, Captn Genall & Govr in Chief, &c.,

M^r VAN DAM, Mr ALLEXANDER,
Mr CLARKE, M^r VAN HORNE,
Mr HARRISON, Mr CORTLANDT.

The Bill entitled, An Act to repeal the Act and to cancell the Bills of creditt therein mentioned and to grant unto his Matie severall Dutys for supporting his Government in the Collony of New York untill the first day of Septemb^r which will be in the year One thousand seven hundred and thirty seven was read a second time and Committed to the Gent of the Councill or any five of them

The Bill entitled, An Act to discharge the severall Demands on the trading house at Oswego to support his Majestys Troops posted there to regulate the Indian trade to prevent abuses in the same and for other purposes therein contained Was read a second time and Committed to the Gent of the Councill or any five of them

The Bill entitled, An Act to regulate the fferry between the City of New York and the Island Nassau and to establish the ferriage thereof was read a second time and Committed to the Gent of the Councill or any five of them

Mr Harrison Chairman of the Committee appointed by a Minnitt of this Board of yesterdays date to meet a Committee of the house of Representatives to conferr together upon the subject matter of their message of the 9th instant with respect to the amendment made by this Board to the Bill entitled, An Act to prevent the penning or ffolding of Sheep and Neatt Cattle feeding on Hempstead plaines reported that it was the joint opinion of the Committee that the said Bill with the amendm^t sho'd lye on the table for further consideration untill the next Session of the Assembly

The Board taking into Consideration the amendment made by the Committee of this Board to the Bill entitled, An Act to ascertain the boundaryes of the Countys of West Chester Albany and Dutches Added a further amendm^t thereto which having been read was agreed to and approved of by the Board

Then the said Bill was Ingrost as ultimately amended & entitled as aforesaid was read the third time and past

Ordered, that Mr Harrison do carry the said Bill to the House of Representatives and desire their Concurrence thereto

Post Meridiem

PRESENT as before & also M^r DE LANCEY

Mr Courtlandt Chairman of the Committee (to whom the three following Bills were committed vizt

1 The Bill entitled, An Act to repeal the Act and to cancell the Bills of creditt therein mentioned and to grant unto his Matie Severall Dutys for Supporting his Government in the

Collony of New York untill the first day of September which will be in the year one Thousand Seven hundred & thirty Seven

2 The Bill entitled, An Act to discharge the Severall demands on the trading house at Oswego to Support his Maties Troops posted there to regulate the Indian trade to prevent abuses in the Same and for other purposes therein contained and also

3 The Bill entitled, An Act to regulate the fferry between the City of New York & the Jsland of Nassau and to establish the fferriage thereof) reported from the Said Committee that they were ready to make their report thereon when this Board wo'd please to receive

Ordered, That the said report be made immediatly

Then Mr Courtlandt in his place reported from the said Committee that they had gone through the said three Bills without any amendments

Then the question being putt

Whether the Board agreed to the said report?

The same was agreed to & approved of by the Board

Ordered, that the two first mentioned Bills be read the third time

Then the said two first mentioned Bills were read the third time and past without any Amendments

Ordered, that Mr Courtlandt do accquaint the house of Representatives therewith and

Ordered, that the third mentioned Bill entitled, An Act to regulate the fferry between the City of New York & the Island of Nassau & to establish the fferriage thereof be read the third time

Att a Councill held at ffort George in New York, the 13th *day of October*, 1732.

PRESENT— *His Excie* WILLIAM COSBY, Esqr, Captain Genall & Govr in chief, &c.,

Mr VAN DAM, Mr VAN HORNE,
Mr CLARKE, Mr KENNEDY.
Mr HARRISON,

The Bill entitled, An Act to regulate the fferry between the City of New York and the Island of Nassau and to establish the fferriage thereof was read the third time and past without any amendments

Ordered. That Mr Courtlandt do acquaint the house of Representatives therewith

A Message from the Assembly by Major Van Rensselaer with the Bill Entitled, An Act to encourage a publick School in the City of New York for teaching Latin, Greek and Mathematicks and desiring the Concurrence of this Board thereto

Ordered, that the Said Bill be read

Then the said Bill was read the 1st time &

Ordered a second reading

Post Meridiem

PRESENT as above

The Bill entitled, An Act to encourage a publick School in the City of New York for teaching Latin, Greek and Mathematicks was read a second time & committed to the Gentlemen of the Councill or any five of them

Att a Councill held at ffort George in New York, the fourteenth day of October, 1732

PRESENT— *His Excellency* WILLIAM COSBY, Captain Generall and Govr in chief, &c.,

Mr VAN DAM, Mr VAN HORNE,
Mr CLARKE, Mr KENNEDY,
Mr HARRISON, Mr DE LANCEY,
Mr ALLEXANDER, Mr COURTLANDT.

Mr Harrison Chairman of the Committee (to whom the Bill entitled, An Act to encourage a publick school in the City of New York for teaching Latin, Greek and Mathematicks was committed) reported from the said Committee that they were ready to make their report thereof when this Board wo'd please to receive the Same

Ordered. that the said report be made immediately

Then Mr Harrison in his place reported from the Said Committee that they had gone through the said Bill without any amendments

Which report was agreed to & approved of by the Board

Ordered, that the said Bill be read the third time

Then the said Bill was read the third time and past without any amendments

Ordered, that Mr Harrison do acquaint the House of Representatives therewith

Ordered, that the Deputy Clerk of this Board do acquaint the house of Representatives that his Excellency requires their immediate attendance at the Councill Chamber

The Assembly accordingly attending with their Speaker his Excellency gave his Assent to the following Bills vizt

1. An Act for the further continuing An Act entitled, An Act to Lett to ffarm the Excise of Strong Liquors retailed in this Collony for the time therein mentioned and for Declaring Shrub lyeable to the same Dutys as distill'd Liquors

2. An Act for the further Continuance of An Act entitled, An Act for Settling and regulating the Militia in this province and making the Same usefull for the Security and defence thereof and for repealing all other acts relating to the same during the time therein mentioned

3. An Act to prevent the destruction of Sheep by Doggs

4. An Act for the better clearing regulating and further laying out publick highways in the County of Suffolk

5. An Act for reviving An Act entitled, An Act for the better clearing regulating and further laying out Publick highroads in the County of West Chester

6. An Act for continuing An Act entitled, An Act for the better Clearing regulating and further laying out publick high roads in the County of Ulster

7. An Act for the Speedy punishing and releasing Such persons from Imprisonment as shall Committ any criminall offences under the degree of Grand Larceny in the severall Countys therein mentioned

8. An Act for reviving An Act entitled, An Act to prevent the setting on fire or burning the old grass on Hempstead plaines

9. An Act reviving An Act entitled, An Act to prevent desertion from his Majestys forces in the province of New York and for providing remedyes for that purpose in cases not provided by the said Act

10. An Act for continuing An Act entitled, An Act for the better clearing regulating and further laying out publick highways in Kings County, Queens County, Richmond County and Orange County

11. An Act for reviving An Act entituled, An Act for the better clearing regulating and further laying out publick highroads in Dutchess County and for altering Some of the Commissioners in the neighbourhood of Wysack called Dover

12. An Act to encourage the destroying of Wolves in the County of Albany, Ulster County, Orange County, Dutchess County and County of West Chester

13. An Act for confirming unto the City of New York it's rights & priviledges

14. An Act for the relief of Such insolvent Debtors as shall be charged in Execution for debts not exceeding ffourty Shillings and the costs of Suit in the Severall Countys therein mentioned

15. An Act for Naturalizing Maria Veldtman, Gertruyda Veldtman, Hendrick Veldtman, Hans Veldtman, Johan Jacob Ell, Hero Ellis, Johannes ffrancissus Walter and John Dewint

16. An Act for reviving An Act entitled, An Act for lycensing Hawkers & Pedlers within this Colony and for paying the Sum of Sixty pounds unto Richard Bradley Esqr.

17. An Act to enable the Justices of the peace in Ulster County to build a Court house and Goal for the Said County and to enable them to dispose of the old County house and Goal & the Lott of ground it Stands on & to enjoyn the Supervisors to raise the Charge of executing the Negroe therein ment^d

18. An Act to revive and enforce part of An Act entitled, An Act to enlarge and release Andrew Law Junr upon Surrendering of his Estate in the Manner and for the use therein mentioned

19. An Act for the Speedy punishing and releasing Such persons from Imprisonment as shall committ any criminall offences in the city of New York under the degree of Grand Larceny

20. An Act to repeal the Act and to cancell the bills of creditt therein mentioned and to grant unto his Matie Severall Dutys for Supporting his Governm^t in the Collony of New York untill the first day of September which will be in the year one Thousand Seven hundred & thirty seven

21. An Act to discharge the severall demands on the trading house at Oswego to Support his Maties Troops posted there to regulate the Indian trade to prevent abuses in the Same and for other purposes therein contained

22. An Act to regulate the fferry between the City of New York and the Island of Nassau and to establish the fferriage thereof

23. An Act to encourage a publick School in the City of New York for teaching Latin, Greek and Mathematicks

And afterwards His Excellency attended by the Gentlemen of the Councill, the Members of the house of Representatives and the Gentlemen of the Corporation went to the City Hall & there caused the severall Acts aforesaid to be published

Then His Excellency attended as aforesaid returned to the Council Chamber & recommended to the Speaker of the House of Representatives that they Sho'd adjourn themselves until the second tuesday of the month of Aprill next ensuing

TWENTIETH ASSEMBLY FIFTH SESSION.

Att a Councill held the 16th *of Octr*, 1733.

PRESENT — *His Excie* Wm COSBY, Esqr, Captn Genall & Govr in chief, &c.,

Mr CLARKE,
Mr HARRISON,
Mr LIVINGSTON.
Mr KENNEDY,
Mr COURTLANDT,
Mr LANE.

Ordered, that the Deputy Clerk of this Board do acquaint the House of Representatives that his Excellency requires their imēdiate attendance at the Councill Chamber

The Assembly accordingly attending with their Speaker his Excie made a Speech to them in the words following vizt

Gentlemen,

The season of the year being So far advanc'd I shall only at this time recōmend to your consideration a thorrow repair of the Barracks in this ffort, The work has been allready begun on some of them and a moderate expense may ffinish it & make them usefull for many years, but if they are longer neglected they will in a short time be incapable of a repair & must of necessity be new built the charge whereof will be much heavier than that of a present repair

There are some temporary Laws expired or pretty nigh expiring which it will be necessary to revive or continue, I need not point them out to you, You know them & the usefullness of them, These & whatever else are necessary for ye wellfare of ye province I will readily concurr in

W COSBY

Att a Councill held at ffort George in New York, the 24th *day of October*, 1733.

PRESENT — *His Excie* Wm COSBY, Esqr, Captain Genall & Govr in chief, &c.,

Mr CLARKE,
Mr HARRISON,
Mr KENNEDY,
Mr COURTLANDT,
Mr LANE.

A Message from the Assembly by Coll Hutchinson with the Bill entitled, An Act for the further continuing An Act entitled, An Act for the encouragement of Whaling And desiring the Concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the ffirst time &

Ordered a second reading

A Message from the Assembly by Coll Hicks with the Bill entitled, An Act for the further continuing An Act entitled, An Act for encouraging the returning of Neat Cattle and Sheep to their Owners & desiring the Concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the ffirst time and

Ordered a second reading

Att a Councill held at ffort George in New York, the 29th day of Octr, 1733.

PRESENT — *His Excie* Wm COSBY, Esqr, Captn Genall & Govr in chief, &c.,

Mr CLARKE,	Mr COURTLANDT,
Mr VAN HORNE,	Mr LANE,
Mr KENNEDY,	Mr HORSMANDEN.

The Bill entitled, An Act for the further continuing An Act entitled, An Act for the encouragement of whaling was read a second time and Committed to the Gentlemen of the Councill or any five of them

The Bill entitled, An Act for the further continuing An Act entitled, An Act for encouraging the returning of Neat Cattle and Sheep to their Owners was read a second time and comitted to the Gent of the Councill or any five of them

His Excie withdrawing The Board resolved into a Committee to consider of the two aforegoing Bills

The Committee being agreed on their report by them to be made thereon and his Excellency accquainted therewith

His Excellency return'd to the Councill Chamber and took his place

Then Mr Van Horne Chairman of the Committee to whom the said two Bills were referr'd reported from the said Committee that they were ready to make their report thereof when this Board wo'd please to receive the same

Ordered, that the said report be made Immediately

Then Mr Van Horne in his place reported that the Committee had gone through the said two Bills witht any amendments

Then the question being put

Whether the Board agreed to the said report?

The same was agreed to and approv'd of by the Board

Ordered, that the said two Bills be read the third time

A Message from the Assembly by Major Platt with the Bill entitled, An Act for the further continuing An Act entitled. An Act to Let to ffarm the Excise of Strong Liquors retailed in this Collony for the time therein mentioned & for declaring Shrub lyeable to the same dutys as distill'd Liquors and desiring the Concurrence of this Board thereto

Ordered, That the said Bill be read

Then the said Bill was read the ffirst time &

Ordered a second reading

A Message from the Assembly by Coll Phillip Schuyler with the Bill entitled, An Act for the further continuance of An Act entitled, An Act for settling and regulating the Militia in this province & making the same usefull for the security & defence thereof and for repealing all other Acts relating to the same as likewise the severall Acts whereby the same has been reviv'd & continued & desiring the Concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the ffirst time &

Ordered a second reading

Post Meridiem.

PRESENT as before

The Bill entitled, An Act for the further continuing An Act entitled, An Act to let to ffarm the Excise of Strong liquors retailed in this Collony for the time therein mentioned and for declaring Shrub lyeable to the same Dutys as distill'd liquors Was read a second time and comitted to the Gent of the Councill or any five of them

The Bill entitled, An Act for the further continuance of An Act entitled, An Act for Settling and regulating the Militia in this province and making the same usefull for the security and defence thereof and for repealing all other Acts relating to the same as likewise the severall Acts whereby the same has been revived and continued Was read a second time and committed to the Gent of the Councill or any five of them

Att a Councill held at ffort George in New York, the 30th *day of October*, 1733.

PRESENT— *His Excie* Wm COSBY, Esqr, Captain Genall & Govr in chief, &c.,

Mr CLARKE,
Mr VAN HORN,
Mr KENNEDY,
Mr DE LANCEY,
Mr COURTLANDT,
Mr LANE,
Mr HORSMANDEN.

The two following Bills vizt The Bill entitled, An Act for the further continuing An Act entitled, An Act for the encouragemt of whaling, And the Bill entitled, An Act for the further continuing An Act entitled, An Act for encouraging the returning of Neat Cattle and Sheep to their Owners Was read the third time and past witht any amendments

Ordered, that Mr Van Horne do accquaint the House of Representatives therewith

A Message from the Assembly by Coll Hicks with the Bill entitled, An Act to prevent the penning or folding of Sheep and Neat Cattle feeding on Hempstead plaines and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time and

Ordered a second reading

A Message from the Assembly by Captn Rutgers with the Bill entitled, An Act to repeal part of a Clause in the Act therein mentioned and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the 1st time and

Ordered a second reading

Att a Councill held at ffort George in New York, the 31st *day of October*, 1733.

PRESENT— *His Excellency* Wm COSBY, Esqr, Captain Generall & Govr in chief, &c.,

Mr CLARKE,
Mr VAN HORNE,
Mr KENNEDY,
Mr COURTLANDT,
Mr LANE,
Mr HORSMANDEN.

Mr Horsmanden Chairman of the Committee to whom were referr'd the two following Bills vizt The Bill entitled, An Act for the further continuing An Act Entitled, An Act to let to ffarm the Excise of Strong Liquors retail'd in this Collony for the time therein mentioned and for Declaring Shrub Lyeable to the same Dutys as distilled Liquors, as also the Bill entitled, An Act for the further Continuance of An Act entitled, An Act for Settling and regulating the Militia in this Province and making the Same usefull for the Security and defence thereof and for repealing all other acts relating to the Same as likewise the severall acts whereby the Same has been reviv'd & continued

In his place reported from the Said Committee that the Committee were ready to make their report on Said two Bills when this Board wo'd please to receive the same

Ordered, that the Said report be made immediately

Then Mr Horsmanden reported that the Committee had gone through the Said two Bills without any Amendments

Then the question being put

Whether the Board agreed to the Said report

The Same was agreed to and approv'd of by the Board

Ordered, that the Said two Bills be read the third time

Then the Said two Bills were read the third time and past without any Amendments

Ordered, that Mr Horsmanden do accquaint the House of Representatives therewith

The Bill entitled, An Act to prevent the penning or folding of Sheep and Neat Cattle feeding on Hempstead plaines was read a Second time and Cōmitted to the Gent of the Councill or any five of them

The Bill entitled, An Act to repeal part of a Clause in the Act therein mentioned was read a second time & Committed to the Gent of the Councill or any five of them

A Message from the Assembly by Captain Rutgers with the Bill entitled, An Act to preserve the Breed of English Pheasants in this Collony and desiring the Concurrence of this Board thereto

Ordered, that the Said Bill be read

Then the Said Bill was read the first time &

Ordered a second reading

A Message from the Assembly by Captn Hicks with the Bill entitled, An Act to empower the Vestry of the Parish of Jamaica in Queens County to dispose of Sixty pounds now in the hands

of the Church Wardens of Said Parish for the use & benefitt of that Parish & desiring the Concurrence of this Board thereto

Ordered, that the Said Bill be read

Then the said Bill was read the 1st time &

Ordered a second reading

His Excellency withdrawing The Gent of the Councill resolved into a Committee to consider of the two Bills to them referred

The Committee being agreed on their report by them to be made thereon & his Excellency acquainted therewith

His Excellency returned to the Councill Chamber & took his place

Then Mr Horsmanden Chairman of ye Cõmittee to whom the Said two Bills were referr'd in his place reported from the said committee that the Committee had gone through the Said two Bills without any amendments

Then the question being put

Whether the Board agreed to the Said report?

The Same was agreed to and approved of by the Board

Ordered, that the Said two Bills be read the third time

Then the Said two Bills were read the third time and past without amendments

Ordered, that Mr Horsmanden do accquaint the house of Representatives therewith

The Bill entitled, An Act to preserve the Breed of English Pheasants in this Collony was read a second time and cõmitted to the Gent of the Councill or any five of them

The Bill entitled, An Act to empower the Vestry of the Parish of Jamaica in Queens County to dispose of Sixty pounds now in the hands of the Church Wardens of Said Parish for the use & benefitt of that parish Was read a Second time and cõmitted to the Gent of the Councill or any five of them

Post Meridiem

PRESENT as before

Mr Horsmanden Chairman of the Committee to whom the above two mentioned Bills were referred Reported from the Said Committee that they were ready to make their report thereof when this Board wo'd please to receive the Same

Ordered, that the Said report be made immediately

Then Mr Horsmanden in his place reported that the Committee had gone through the Said two Bills without any amendments

Then the question being put

Whether the Board agreed to the Said report?

The Same was agreed to and approv'd of by the Board

Ordered, that the said two Bills be read the third time

Then the said two Bills were read the third time and past without any amendments

Ordered, that Mr Horsmanden do accquaint the House of Representatives therewith

*Att a Councill held at ffort George in New York, the ffirst day of Novemb*r, 1733.

PRESENT — *His Excie* Wm COSBY, Esqr, Captn Generall & Govr in chief, &c.,

Mr CLARKE,
Mr VAN HORNE,
Mr KENNEDY,
Mr DE LANCEY,
Mr COURTLANDT,
Mr LANE,
Mr HORSMANDEN.

Ordered, that the Deputy Clerk of the Board do go to the House of Representatives with the following Message from his Excellency vizt

That the Winter Season being So near at hand and no other bussiness on foot his Excellency apprehends that the members of the house may by a longer attendance be incõmoded in their Journey to their respective habitations Wherefore he expects the immediate attendance of the House at the Councill Chamber in order to their being present at his Excies giving his Assent to the Acts of Assembly

The Assembly accordingly attending with their Speaker His Excellency gave his assent to the following Bills vizt

1. An Act for the further continuing An Act entitled, An Act for the encouragement of whaling

2. An Act for the further continuing An Act entitled, An Act for encouraging the returning of Neat Cattle and Sheep to their Owners

3. An Act for the further continuing An Act entitled, An Act to Let to ffarm the Excise of Strong liquors retailed in this Collony for the time therein mentioned and for declaring Shrub lyeable to the same Dutys as distilled Liquors

4. An Act for the further continuance of An Act entitled, An Act for Settling and regulating the Militia in this Province and making the Same usefull for the Security and defense thereof and for repealing all other acts relating to the Same as likewise the severall Acts whereby the Same has been reviv'd & continued

5. An Act to prevent the penning or folding of Sheep and Neat Cattle feeding on Hempstead plaines

6. An Act to repeal part of a Clause in the Act therein mentioned

7. An Act to preserve the breed of English Pheasants in this Collony

8. An Act to empower the Vestry of the Parish of Jamaica in Queens County to dispose of Sixty pounds now in the hands of the Church Wardens of said parish for the use & benefitt of that parish

And afterwards his Excelleney attended with the Gent of the Councill the Members of the House of Representatives and the Gent of the Corporation went to the City hall and there caused the severall Acts aforesaid to be published

Then His Excellency attended as aforesaid returned to the Council Chamber and recōmended to the Speaker of the House of Representatives that they sho'd adjourn untill the third tuesday in April next ensuing

[In Executive Session.]

April 4th 1734

The General Assembly of this Province standing adjourned untill the third Tuesday of this Ins^t April which happening to fall in Easter week. It is therefore

Ordered, by his Excie by & with the advice & consent of the Gent of ye Council now assembled that ye said General Assembly be prorogued until Thursday ye 25th day of April Instant and

Order'd, that a Proclamation Issue accordingly

TWENTIETH ASSEMBLY SIXTH SESSION.

Att a Councill held at ffort George in New York, the 25th *Ap^ll*, 1734

Post Meridiem

Present — *His Excie* Wm Cosby, Captain Genall & Govr in Chief, &c.,

Mr Clarke,
Mr Harrison,
Mr Kennedy,
M^r De Lancey,
Mr Courtlandt,
Mr Lane,
Mr Horsmanden.

Ordered, That the Deputy Clerk of this Board do Acquaint the house of Representatives that his Excellency requires their attendance at the Councill Chamber

The House accordingly attending with their Speaker His Excellency made a speech to them in the words following vizt

Gentlemen,

As I know there was Nothing of greater Concern or higher Importance to the prosperity of the province than the Encouragement of trade wherein the wellfare and even the subsistance both of the ffarmer and tradesman depends I have made it my business to inform myself of it's

p^r^sent situation and of the discouragements it labours under hoping that by discovering the Causes of it's decay I might find a remedy

I will first point out some of the principall causes of the decay of trade and then propose some remedy for them

The first and principall cause is that your Neighbours especially the Bermudians have by degrees got such footing that they are now become your Cōmon Carryers, whereby not only building, which is a vast advantage to a County, is discouraged & allmost wholly disused, artificers without Employ, their ffamilys reduced to great Necessity at present and no prospect before them but extream poverty, or a forsaking their Country; but likewise vast sums of money are yearly carryed out of the province by Strangers, who, as I am well informed, spend hardly any thing even for their dayly subbsistance while here, nor import anything usefull or profitable into it

Another Cause of the decay of Trade is owing to the want of having your fflower, the Staple Commoditys of the Country, put under such Essays and strict search & inspection as may be necessary to prevent the Exportation of any but such as may equall, in goodness, the best that is exported from your Neighbouring provinces, whose fflower has gain'd a reputation Superiour to yours, from the wholesome laws they have made to prevent frauds & abuses

I propose therefore & earnestly recommend to you, Gentm^n^, to pass some Law or Laws for the encouragement of your own building and Navigation, for the discouragement of those who Supplant you in your Navigation, by laying a Duty of Tonnage on them, and for putting all fflower to be exported under a strict Essay & inspection. This will prevent frauds & abuses in bolting, give life to the Expiring hopes of your Ship Carpenters & other tradesmen, recall their unwilling resolution to depart the province, & encourage others to come into it, fill your harbours with Vessells of your own, inspire your youth with warm Inclinations to become seamen, and by giving New Vigour to a declining trade fill your country with riches & spread it's reputation far & wide

Nor are these the only things of high Concern that I have to recōmend to you, the Safety & protection of the harbour & town of New York and of the ffrontiers, are greatly necessary; Nor is any time so fitt to guard against future Enemies as a time of peace, how long the p^r^sent peace may continue is uncertain, I therefore earnestly recommend to you to make use of the present time, and to give a sufficient sum for the erecting of a battery at the point of rocks by Whitehall and of New fforts at Albany & Schenectady; I have drawn such plans for those purposes as I think will best answer the end, and made an Estimate of the Expence which I will order to be laid before you If these Expences appear large consider the benefitts that you are to receive from them, which are no less than the defence of your Country and protection of your ffamilys; and let ye Manadgment of the money be put into frugall hands, such as reside constantly in the respective places, and who more proper than the Representatives, or some of the Corporation of the two Citys, and some of the most substantiall Inhabitants of the other Town where there is no Corporation, And let a strict account be required and rendered of the disposall of it and I am perswaded you will think the money well laid out

If any branches of your trade be over laden with Duty I wish some effectuall method wo'd be taken to ease them by an Imposition on some other parts better able to bear it or on some thing that may not at all affect trade, for my part I think a duty upon paper to be used in the Law and in all Conveyances & Deeds of every denomination may, if rightly manadged, bring a considerable Sum of money yearly to the Treasury and if upon tryall you find it will answer your expectation, you may then ease such branches of Trade as most want it, of So much as that Duty will amount to, I propose it as an Experiment with no other view than for the ease & encouragem^t^ of trade, in the prosperity whereof every one of you is concerned; but as it is uncertain what such a Duty will amount unto clear of all Charges You may direct the money arising from it to be paid into the hands of the Treasurer and there lodged 'till by an Act You apply it to some particular uses

I See with Concern that whilst the neighbouring provinces are filled with honest usefull & laborious white people, the truest riches and Surest Strength of a Country; this province seems regardless of the vast advantage which Such acquisitions might bring them and of the disadvantages that attend the too great Importation of Negroes and Conviets. these things are worthy your Consideration and require your Speedy attention, as the greatest good is to be expected from one, and the greatest evill to be apprehended from the other

The six nations of Indians are often in want of Smiths and their Tooles to mend their Arms I recommend it to you to make ꝓvision for that purpose, The ffrench not only do that but constantly Send some men of Art & interest to reside among them furnished with Brandy lead and powder which they give from time to time to the Indians, whereby they ingratiate themselves with them, and alienate their affections from us; It is our Interest to defeat the attempts of the ffrench by the like Acts and to preserve the ffriendship of the six nations tho' at a greater Expence

If there are any other Laws wanting for the defence of the province, for the advancement of trade, for the Encouragement of Husbandry, or for promoting Manufactures Arts & Sciences among you, You may depend upon my chearfull Concurrence with You, well knowing that I cannot recōmend myself to his Majesty the best of Kings, more effectually, than by promoting

the happiness and prosperity of the province, who being full of affection to his people and tender of their civill & religious rights, expects from them the gratefull return of Loyalty and Duty to his person and reverence & Submission to his just prerogative and authority

Wm Cosby

Mr Clarke alleadging that the people called Quakers within this province had for some time past complained of the hardships they lay under in not having the same priviledges and Indulgences allowed them as their Brethren in England have therefore moved that leave be given to bring in a Bill for putting them upon the same footing & to entitle them to the same priviledges benefitts and Indulgences with their Brethren in England

Which motion being Seconded by the Chief Justice and approved of by the Board It is

Ordered, that Mr Harrison and Mr Horsmanden do prepare and bring in a bill accordingly and lay it before this Board for their approbation thereof.

Att a Councill held at ffort George in New York, the 30th *day of Aprill*, 1734.

Present — *His Excie* Wm Cosby, Captn Genall and Govr in chief, &c.,

Mr Clarke,
Mr Harrison,
Mr De Lancey,
Mr Lane,
Mr Horsmanden.

Mr Harrison and Mr Horsmanden pursuant to a Minnitt of this Board of the 25th instant laid before the Board a Bill entitled, An Act for granting to the people called Quakers residing within this province the same priviledges benefitts & Indulgences as by the Laws and Statutes now remaining of fforce in that part of great Brittain called England the people of that Denomination are entitled unto within those Dominions Which Bill having been ordered to be read

Was accordingly read the ffirst time &

Ordered a second reading

Att a Councill held at ffort George in New York, the ffirst day of May, 1734.

Present — *His Excellency* Wm Cosby, Captn Genall and Govr in chief, &c.,

Mr Clarke,
Mr Harrison,
Mr Kennedy,
Mr De Lancey,
Mr Lane,
Mr Horsmanden.

The Bill entitled, An Act for granting to the people called Quakers residing within this province the same priviledges benefitts and Indulgences as by the Laws and Statutes now remaining of fforce in that part of great Brittain called England the people of that Denomination are entitled unto within those Dominions Was read a second time and Cõmitted to the Gentlemen of the Councill or any five of them

His Excellency withdrawing The Gentlemen of the Councill resolved into a Committee to consider of the aforegoing Bill

The Committee being agreed on their report by them to be made thereon & his Excellency accquainted therewith

His Excellency returned to the Councill Chamber & took his place

Then Mr Horsemanden Chairman of the Committee to whom the said Bill was referred in his place reported from the Committee that they had gone thro' the said Bill without any amendments

Which report on the question being put was agreed to & approved of by the Board

Ordered, that the said Bill be engrosst

Att a Councill held at ffort George in New York, the 2d May, 1734.

PRESENT — *His Excie* Wm COSBY, Captain Generall and Governr in chief, &c.,

Mr CLARKE,
Mr HARRISON,
Mr KENNEDY,
Mr DE LANCEY,
Mr COURTLANDT,
Mr LANE,
Mr HORSMANDEN.

Ordered, that the ingrost Bill entitled, An Act for granting to the people called Quakers residing within this province the same priviledges benefitts & indulgences as by the Laws and statutes now remaining of fforce in that part of great Brittain called England the people of that Denomination are entitled unto within those Dominions Be read ye third time

Then the said Bill was read the third time and past without any amendments

Ordered, that Mr Horsmanden do carry the Bill to the Assembly & desire their Concurrence therewith

Att a Councill held at ffort George in New York, the 31st May, 1734.

PRESENT — *His Excie* Wm COSBY, Captain Genall & Govr in chief, &c.,

Mr CLARKE,
Mr HARRISON,
Dr COLDEN,
Mr DE LANCEY,
Mr COURTLANDT,
Mr LANE,
Mr HORSMANDEN.

A Message from the Assembly by Coll Rensselaer with the Bill entitled, An Act for returning able and Sufficient Jurors in tryalls at Law in this Collony and desiring the Concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the 1st time &

Ordered a second reading

Att a Councill held at ffort George in New York, the 18th day of June, 1734.

PRESENT — *His Excie* Wm COSBY, Captn Genall and Govr in chief, &c.,

Mr CLARKE,
Mr HARRISON,
Doct COLDEN,
Mr VAN HORNE,
Mr DE LANCEY,
Mr COURTLANDT,
Mr LANE,
Mr HORSMANDEN.

The Bill entitled, An Act for returning able and sufficient Jurors in tryalls at Law in this Collony was read a second time and committed to the Gent of the Council or any five of them

A Message from the Assembly by Coll philip Schuyler with the Bill entitled, An Act for fortifying the City of Albany Schanegtade and other places in the County of Albany and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the ffirst time &

Ordered a second reading

A Message from the Assembly by Coll Rensselaer with the Bill entitled, An Act to prevent small Stallions running at large in the Collony of New York and to gueld Such as shall be under the size therein mentioned and desiring the Concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time &

Ordered a second reading

A Message from the Assembly by Coll Beekman with the Bill entitled, An Act for Naturalizing Abraham Hinsman, Jn Grondam, Jacob Boss, Fredrick Becker, Johannes Vidderlin, Coenradt Rightmier, Johannes Spaler, Zacharias Haber, peter Craller and Johannes Vanwyck and desiring the Concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time &

Ordered a second reading

A Message from the Assembly by Coll Beekman with the Bill entitled, An Act for regulating the Rutts of Waggons in Dutchess County And also with the Bill entitled, An Act for regulating the Choice of a representative for the Mannor of Cortlandt in the County of West Chester and desiring the Concurrence of this Board thereto

Ordered, that the said two Bills be read

Then the said two Bills were read the first time &

Ordered a second reading

A Message from the Assembly by Coll Gaasbeck Chambers with the Bill entitled, An Act for the better explaining and more effectuall putting in Execution the Act of Generall Assembly therein mentioned and desiring the Concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time &

Ordered a second reading

A Message from the Assembly by Major Glen with the Bill entitled, An Act for discharging a certain obligation entered into by Corns Cuyler of the City of Albany Merchant to the Treasurer of this Collony And desiring the Concurrence of this Board thereto

Ordered, that the Said Bill be read

Then the said Bill was read the ffirst time &

Ordered a second reading

Att a Councill held at ffort George in New York, the 20th day of June, 1734.

PRESENT— *His Excie* Wm COSBY, Captain Generall & Govr in chief, &c.,

Mr CLARKE,
Mr HARRISON,
Mr VAN HORNE,
Mr DE LANCEY,
Mr COURTLANDT,
Mr LANE,
Mr HORSMANDEN.

A Message from the Assembly with the Bill entitled, An Act for granting to the people called Quakers residing within this province the same priviledges benefitts & Indulgences as by the Laws and Statutes now remaining of fforce in that part of great Brittain called England the people of that Denomination are entitled unto within those Dominions, that that House have made some amendments and added a Clause to the said Bill

Then the amendments made to the said Bill with the Clause added thereto were Ordered to be read

Which having been read and the question put

Whether the Board agreed thereto?

The same was agreed to and approved of by the Board and

Ordered, that Mr Horsmanden do acquaint the house of Representatives therewith

The seven following Bills vizt The Bill entitled, An Act to prevent small stallions running at large in the Collony of New York and to geld such as shall be under the size therein mentioned

The Bill entitled, An Act for Naturalizing Abraham Hinsman, John Grondam, Jacob Boss, Fredrick Becker, Johannes Vidderlin, Coenradt Rightmier, Johannes Spaler, Zacharias Haber, Peter Craller and Johannes Vanwyck

The Bill entitled, An Act for regulating the Rutts of waggons in Dutchess County

The Bill entitled, An Act for regulating the Choice of a representative for the Mannor of Courtlandt in the County of West Chester

The Bill entitled, An Act for the better explaining and more effectuall putting in Execution the Act of Generall Assembly therein mentioned

The Bill entitled, An Act for discharging a certain obligation entered into by Cornelius Cuyler of the City of Albany Merchant to the Treasr of this Collony And also

The Bill entitled, An Act for fortifying the City of Albany Schenegtade and other places in the County of Albany Were read a second time and committed to the Gentlemen of the Councill or any five of them

His Excellency withdrawing The Board resolved into a Committee to consider of the Bills to them referred

The Board being agreed on their report by them to be made on the ffirst six of the Bills last mentioned and his Excellency accquainted therewith

His Excellency returned to the Councill Chamber and took his place

Then Mr Horsmanden Chairman of the Committee to whom the said Bills were referred in his place reported from the said Committee that the Committee had gone through the said six Bills without any amendments

Which Report upon the question being put was agreed to and approved of by the Board and

Ordered, That the said six Bills be read the third time

And as to the Bill entitled, An Act for returning able and sufficient Jurors in tryalls at Law in this Collony Mr Horsmanden further reported from the Committee That the Committee had gone through the said Bill with some amendments

Ordered, that the amendments made to the said Bill be read

Then the amendments made to the said Bill were read

And the question being put

Whether the Board agreed thereto?

The same were agreed to and approved of by the Board

Ordered, that the said Bill be read the third time as amended

Att a Councill held at ffort George in New York, the twentyeth day of June, 1734, P. M

PRESENT — *His Excie* Wm COSBY, Captain Genall and Govr in chief,

Mr CLARKE,
Mr HARRISON,
Mr VAN HORNE,
Mr DE LANCEY,
Mr COURTLANDT,
Mr LANE,
Mr HORSMANDEN.

The six following Bills vizt The Bill entitled, An Act to prevent small stallions running at large in the Collony of New York and to geld such as shall be under the size therein mentioned

The Bill entitled, An Act for Naturalizing Abraham Hinsman, John Grondam & Compy

The Bill entitled, An Act for regulating the Rutts of Waggons in Dutchess County

The Bill entitled, An Act for regulating the Choice of a Representative for the Mannor of Courtlandt in the County of West Chester

The Bill entitled, An Act for the better Explaining and more effectuall putting in Execution the Act of Generall Assembly therein mentioned And

The Bill entitled, An Act for Discharging a certain obligation entered into by Cornelius Cuyler of the City of Albany Mercht to the Treasurer of this Collony, were read the third time and past without any amendments

Ordered, that Mr Horsmanden do acquaint the House of Representatives therewith

The Bill entitled, An Act for returning able and sufficient Jurors in Tryalls at Law in this Collony was read the third time as amended and past

Ordered, that Mr Horsmanden do carry the said Bill with the amendments made thereto to the House of Representatives and desire their Concurrence therewth

A Message from the Assembly by Coll Philipse with the Bill entitled, An Act to lay a Duty on Tonnage on the Vessells and for the time therein mentioned and desiring the Concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time &

Ordered a second reading

Att a Councill held at ffort George in New York, the twenty ffirst day of June, 1734.

PRESENT— *His Excie* Wm COSBY, Captain Genall and Govr in chief,

Mr CLARKE,
Dr COLDEN,
Mr VAN HORNE,
Mr DE LANCEY,
Mr COURTLANDT,
Mr LANE,
Mr HORSMANDEN.

A Message from the Assembly by Coll Philipse with the Bill entitled, An Act for returning able and sufficient Jurors in tryalls at Law in this Collony, that that House cannot agree to the amendments made by this Board to the said Bill

Then the question being put

Resolved, that this Board do adhere to their amendmts made to the said Bill and

Ordered, that the Deputy Clerk of this Board do accquaint the House of Representatives therewith

The Bill entitled, An Act to lay a Duty of Tonnage on the Vessells and for the time therein mentioned was read a second time and committed to the Gentlemn of the Councill or any five of them

Mr Horsmanden Chairman of the Committee to whom the Bill entitled, An Act for fortifying the City of Albany Schenegtade and other places in the County of Albany was referred, in his

place reported from the Committee that they had gone through the said Bill without any amendments

Which report upon the question being put was agreed to and approved of by the Board and

Ordered, that the said Bill be read the third time

His Excellency withdrawing

The Board resolved into a Committee to consider of the aforegoing Bill entitled, An Act to lay a Duty of Tonnage on the Vessells & for the time therein mentioned

The Committee being agreed on their report by them to be made thereon and his Excellency acquainted therewith

His Excellency returned to the Councill Chamber and took his place

Then Mr Courtlandt Chairman of the Committee to whom the said Bill was referred in his place reported that the Committee had gone through the said Bill without any amendments

Which report upon the question being put was agreed to and approved of by the Board and

Ordered, that the said Bill be read the third time

A Message from the Assembly by Captain Gerritsen with the Bill entitled, An Act for regulating the rates to be taken for Ships & other Vessells useing the Wharfs called Burnets Key in the City of New York and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time &

Ordered a second reading

Att a Councill held at ffort George in New York, the 21st *day of June*, 1734. P. M.

PRESENT —

Mr CLARKE,	Mr COURTLANDT,
Doctr COLDEN,	Mr LANE,
Mr DE LANCEY,	Mr HORSMANDEN.

The Bill entitled, An Act for fortifying the City of Albany Schenegtade and other places in the County of Albany was read the third time and past without any amendments and

Ordered, that Mr Horsmanden do acquaint the house of representatives therewith

The Bill entitled, An Act to lay a Duty of Tonnage on the Vessells and for the time therein mentioned was read the third time and past witht any amendments

Ordered, that Mr Courtlandt do acquaint the house of Representatives therewith

The Bill entitled, An Act for regulating the rates to be taken for Ships & other Vessells using the wharfs called Burnets Key in the City of New York was read a second time & committed to the Gent of the Councill or any five of them

Att a Councill held at ffort George in New York, the 22d *June*, 1734.

PRESENT — *His Excie* WILLIAM COSBY, Captain Genall & Govr in chief, &c.,

Mr CLARKE,	Mr COURTLANDT,
Mr KENNEDY,	Mr LANE,
Mr DE LANCEY,	Mr HORSMANDEN.

Mr Courtlandt Chairman of the Committee to whom the Bill entitled, An Act for regulating the rates to be taken for Ships & other Vessells useing the Wharfs called Burnets Key in the City of New York was referred in his place reported from the Committee that they had gone through the Said Bill without any amendments

Which report upon the question being putt was agreed to and approved of by the Board.

Ordered, that the Said Bill be read the third time

Then the said Bill was read the third time and past without any amendments

Ordered, that Mr Courtlandt do acquaint the house of Representatives therewith

Ordered, that the Deputy Clerk of the Board do acquaint the house of Representatives that his Excellency requires the immediate attendance of the house at the Councill Chamber

The Assembly accordingly attending with their Speaker

His Excellency was pleased to give his assent to the following Bills vizt

1. An Act for granting to the people called Quakers residing within this Collony the same priviledges benefitts & Indulgences as by the Laws and Statutes now remaining of fforce in that part of great Brittain called England the people of that Denomination are entitled unto within those Dominions

2. An Act to prevent Small Stallions running at large in the Collony of New York & to gueld Such as Shall be under the Size therein mentioned

3. An Act for Naturalizing Abraham Hinsman, John Grondam, Jacob Boss, ffred[k] Becker, Johannes Vidderlin, Coenradt Rightmier, Johannes Spaler, Zacharias Haber, peter Craller and Johannes Van Wyck

4. An Act for regulating the Rutts of Waggons in Dutches County

5. An Act for regulating the Choice of a representative for the Mannor of Courtlandt in the County of West Chester

6. An Act for the better explaining and more effectuall putting in Execution the Act of genrall Assembly therein mentioned

7. An Act for discharging a certain obligation entered into by Cornelius Cuyler of the City of Albany Merchant to the Treasurer of this Collony

8. An Act for fortifying the City of Albany Schenegtade and other places in the County of Albany

9. An Act to lay a Duty of Tonnage on the Vessells and for the time therein mentioned

10. An Act for regulating the rates to be taken for Ships and other Vessells useing the Wharfs called Burnets Key in the City of New York

After which his Excellency recommended to the Speaker of the Assembly to adjourn the house untill the ffourth tuesday in July next

TWENTIETH ASSEMBLY SEVENTH SESSION.

Att a Councill held at ffort George in New York, the 17th *Oct*[r], 1734.

PRESENT — *His Excie* W[m] COSBY, Captain Genall and Gov[r] in chief, &c.,

M[r] CLARKE,	M[r] KENNEDY,
M[r] HARRISON,	M[r] CHIEF JUSTICE,
Doct[r] COLDEN,	M[r] COURTLANDT,
M[r] VAN HORNE,	M[r] LANE,
M[r] LIVINGSTON,	M[r] HORSMANDEN.

A Message from the Assembly by M[r] Gerritsen with the Bill entitled, An Act for the further continuing An Act entitled, An Act to lett to ffarm the Excise of Strong liquors retailed in this Collony for the time therein mentioned and for declaring Shrub lyeable to the same Dutys as distill'd Liquors And desiring the Concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time &

Ordered, a second reading

This Board having had Severall of Zengers *New York Weekly Journals* layd before them and other Scurrilous papers tending to alienate the affections of the people of this province from his Majesties Governm[t] to raise Sedition and tumults among the people of this province and to fill their minds with a Contempt of his Majesties Government and considering the pernicious Consequences that may attend Such growing evills if not Speedily and effectually put a stop to and considering that the most likely method to put a stop to Such bold and Seditious practices, to maintaine the Dignity of his Matiēs Governm[t] and to preserve the peace thereof wo'd be a Conferrence between a Committee of this Board and a Committee of the Assembly It is therefore

Ordered that the Gentlemen of this Board now assembled or any Seven of them be a Committee to join a Committee of the House of Representatives in order to conferr together and to examine & inquire into the Said papers & the author and printer thereof And that M[r] Courtlandt do accquaint the Assembly that this Board desires they will appoint a Committee of their house to meet the Committee of this Board at the house of M[r] Todd this Evening at six a Clock And It is likewise

Ordered that the Sēcry, M[r] Harrison, the Chief Justice and M[r] Horsmanden be appointed as Managers for the Cōmee of this Board to lay before the joint Cōmee and to point out to them

the particular Seditious paragraphs in Said Journalls and to lay Such presedents before the Committee as relate to the Subject matter of this Inquirey And

Ordered that Mr Courtlandt lay before the Assembly a copy of this order

The petn of Robt Lurting James Graham Richd Sacckett peter ffauconnier and Martha Warman in behalf of themselves and the other proprietors of a tract of Land in Dutches County was presented to this Board and read Setting forth that the petrs being Seized and possessed of a certain Tract of Land in Dutches County aforesaid formerly granted by Letters patent under the great Seal of this province to Samson Broughton Rip Van Dam Thomt Wenham Roger Mompesson peter ffauconnier & others

That the petitioners having designed to apply to the Genall Assembly of this province for An Act to enable them or the Major part of them living and residing within this province to make Division & partition of the Said Tract & to Sell part thereof in order to defray the Charges of all Such Services as Sho'd be necessary to make a compleat & effectuall partition and Division of the Said tract Had in pursuance to his Matiēs Instruction in that behalf given affixed up at the most publick places in the Said County Advertisements Notifying their Intentions for the purposes aforesaid

Wherefore the petitioners pray'd they might be admitted to make prooff before his Excellency in Councill of their having published Advertisements notifying their Intentions of applying for An Act of the Generall Assembly of this province for the purposes aforesd in conformity to the Instruction in that behalf Given

Whereupon was read an Affidt made and Sworn to by John Sacckett before philip Cortlandt Esqr one of the Members of this Board that for three Sundays successively and more after the ffourteenth day of March last he Saw affixed up at three of the most publick places in the County aforesaid an Advertisement Notifying the petrs Intentions of applying for An Act of Assembly to enable them or the major part of them to make partition and Division of the tract of Land aforesaid and to Sell part thereof in order to defray the necessary Charges of all Such Services

On reading and considering of all which It is the opinion of this Board that the Said Notices or Advertisements are agreeable to the Instruction in that behalf given & 'tis therefore

Ordered that leave be given to the petrs to bring in a Bill to the Assembly accordingly

Att a Councill held the 18th *Octr*, 1734.

PRESENT — *His Excie* Wm COSBY, Captain Genall and Govr in chief, &c.,

Mr CLARKE,	Mr KENNEDY,
Mr HARRISON,	Mr CORTLANDT,
Dr COLDEN,	Mr LANE,
Mr LIVINGSTON,	Mr HORSMANDEN.

The Bill entitled, An Act for the further continuing An Act entitled, An Act to lett to ffarm the Excise of Strong liquors retailed in this Collony for the time therein mentioned and for declaring Shrub lyeable to the Same dutys as distill'd liquors Was read a second time and committed to the Gentmn of the Councill or any five of them

His Exciē withdrawing

The Gentmn of the Councill resolved into a Cōmittee to consider of the foregoing Bill

Att a Councill held at Fort George in New York, the 24th *Octr*, 1734.

PRESENT — *His Excellency* WILLIAM COSBY, Captain Generall and Governour in Cheif, &c,

Mr CLARKE,	CHEIF JUSTICE,
Mr HARISON,	Mr COURTLANDT,
Dr COLDEN,	Mr LANE,
Mr LIVINGSTON,	Mr HORSMANDEN.
Mr KENNEDY,	

Mr Horsmanden Chairman of the Committee to whom the Bill Entitled, An Act for the further continuing An Act entitled, An Act to let to ffarm the Excise of Strong Liquors retailed in this Colony for the time therein mentioned & for declaring Shrub Lyable to the same duty as Distilled Liquors reported from the Cōmme that they were ready to make their report thereof

Ordered, that the said report be made Immediatly

Then Mr Horsmanden in his place Reported from the Cōmmee that they had gone through the said Bill and made an amendment & added a clause thereto

Ordered, that the Amendment made to the said Bill with the clause added thereto be read

Then the Amendment made to the s^d^ Bill wth the clause added thereto were read &
The Question being put
Whether the Board agreed thereto?
The same were agreed to & approved of by the Board
Ordered, that the said Bill as amended be read the third time
Then the said Bill as amended was read the third time and past
Ordered, that Mr Horsmanden do carry the said Bill with the Amendments made by this Board thereto to the Assembly & desire their concurrence therewith
A Message from the Assembly by Mr Hicks with the Bill Entitled, An Act for the frequent Electing & calling of ye Gen^ll^ Assembly of this Colony and desiring the concurrence of this Board thereto
Ordered, that the said Bill be read
Then the s^d^ Bill was read the 1st time &
Ordered a second reading
A Message from ye Assembly by Capt V Horne with the Bill entitled, An Act to lay a duty on Empty Casks Imported in the City of New York during the time therein mentioned & desiring the concurrence of this Board thereto
Ordered, that the said Bill be read
Then the said Bill was read the first time &
Ordered a second reading

Att a Councill held at ffort George in New York, the 25th *Oct^r^*, 1734.

PRESENT — *His Excie* Wm COSBY Captn Generall and Govr in Chief, &c.,

Mr CLARKE,	CHIEF JUSTICE,
Mr HARRISON,	Mr COURTLAND,
Mr LIVINGSTON,	Mr LANE,
Mr KENNEDY,	Mr HORSMANDEN.

The Bill entitled, An Act for the frequent electing and calling of the Generall Assembly of this Collony was read a second time and Committed to the Gentlem^n^ of the Councill or any five of them
The Bill entitled, An Act to lay a duty on Empty Casks imported in the City of New York during the time therein mentioned was read a second time and Committed to the Gentlem^n^ of the Councill or any five of them
The Chief Justice moved for leave to bring in a Bill for the partition & division of a certain tract of Land in Dutches County granted to Samson Broughton, Rip Van Dam, Thomas Wenhan Roger Mompesson, Peter ffauconnier, Augustine Graham, Richard Saeckett and Robert Lurting
Ordered, that the Chief Justice have leave to present in a Bill accordingly
Then the Chief Justice presented to the Board a Bill for the purposes afores^d^
Ordered, that the Said Bill be read
Then the Said Bill entitled, An Act for the partition & division of a certain tract of Land in Dutchess County granted to Samson Broughton, Rip Van Dam, Thomas Wenham, Roger Mompesson, Peter ffauconnier, Augustine Graham, Richard Saeckett and Robert Lurting Was read the first time &
Ordered a Second reading
A Message from the Assembly by Mr Gerritse wth the Bill entitled, An Act for the further Continuing An Act entitled, An Act to let to ffarm the Excise of Strong Liquors retailed in this Collony for the time therein ment^d^ and for declaring Shrub lyeable to the Same Dutys as Distilled Liquors That that House agree to the Amendments made by this Board to the Said Bill

Att a Councill held at ffort George in New York, the 26th *Oct^r^*, 1734.

PRESENT — *His Excie* Wm COSBY, Captn Gen^r^all and Govr in Chief, &c.,

Mr CLARKE,	CHIEF JUSTICE,
Mr HARRISON,	Mr COURTLANDT,
Mr LIVINGSTON,	Mr LANE,
Mr KENNEDY,	Mr HORSMANDEN.

Mr Lane Chairman of the Committee to whom the Bill entitled, An Act for the frequent electing and calling of the Generall Assembly of this Collony and also the Bill entitled, An Act

to lay a Duty on Empty Casks imported in the City of New York during the time therein mentioned were referred, in his place reported from the Cōmee that they were ready to make their report thereon when this Board wo'd please to receive the Same

Ordered, that the Said report be made Immediately

Then Mr Lane in his place reported that as to the Bill entitled, An Act for the frequent electing and calling of the Generall Assembly of this Collony they had made Some Amendments & added a clause thereto

Ordered, that the Amendments with the Clause added thereto be read

Then the Amendments made to the Said Bill with the Clause added thereto were read and

The question being put

Whether the Board agreed thereto?

The Same were agreed to and approved of by the Board

Ordered, that the Said Bill be read the third time as Amended

Then the Said Bill was read the third time as Amended and past

Ordered, that Mr Lane do carry the Said Bill with the Amendments made by this Board thereto to the Assembly and desire their Concurrence therewith

And as to the Bill entitled, An Act to lay a duty on Empty Casks imported in the City of New York during the time therein mentioned Mr Lane further reported from the Committee that they had gone through the Said Bill without any Amendments

Ordered, that the said Bill be read the third time

Then the said Bill was read the third time and past without any Amendments

Ordered, that Mr Lane do accquaint the House of Representatives therewith

The Bill entitled, An Act for the partition and Division of a certain tract of Land in Dutches County granted to Samson Broughton, Rip Van Dam, Thomas Wenham, Roger Mompesson, Peter ffauconnier, Augustine Graham, Richard Sackett and Robert Lurting was read a Second time and committed to the Gentmn of the Councill or any five of them

Att a Councill held at ffort George in New York, ye 29th Oct, 1734.

PRESENT — *His Excie* Wm COSBY, Captn Genrall and Govr in Chief, &c.,

Mr CLARKE,	CHIEF JUSTICE,
Mr HARRISON,	Mr COURTLANDT,
Mr VAN HORNE,	Mr LANE,
Mr LIVINGSTON,	Mr HORSMANDEN.
Mr KENNEDY,	

Mr Harrison Chairman of the Cōmittee (to whom the Bill entitled, An Act for the partition and Division of a certain tract of Land in Dutchess County granted to Samson Broughton, Rip Van Dam, Thomas Wenham, Roger Mompesson, Peter ffauconnier Augustine Graham, Richard Sackett and Robert Lurting) was referred reported from the Cōmittee that they were ready to make their report thereon when this Board wo'd please to receive the same

Ordered, That the said report be made Immediately

Then Mr Harrison in his place reported that the Committee had gone through the said Bill without any amendments

Ordered, that the said Bill be ingrost

Att a Councill held at ffort George in New York, the 29th October, 1734.
Post Meridiem.

PRESENT — *His Excellency* Wm COSBY, Captain Generall & Govr in Chief, &c.,

Mr CLARKE,	CHIEF JUSTICE,
Mr HARRISON,	Mr LANE,
Mr KENNEDY,	Mr HORSMANDEN.

The ingrost Bill entitled, An Act for the partition and Division of a certain Tract of Land in Dutchess County granted to Samson Broughton, Rip Van Dam, Thomas Wenham, Roger Mompesson, Peter ffauconnier, Augustine Graham, Richard Sackett and Robert Lurting was read the third time and past

Ordered, that the Chief Justice do carry the said Bill to the House of Representatives and desire their concurrence therewith

A Message from the Assembly by Coll Philipse with the Bill entitled, An Act for the Speedy punishing and releasing such persons from Imprisonmt as shall committ any criminall offences

under the degree of ffelony in the Severall Countys therein mentioned and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time &

Ordered a second reading

Att a Councill held at Fort George in New York, the 1st *Novr*, 1734.

PRESENT — *His Excie* Wm COSBY, Captain Generall and Govr in Chief, &c.,

Mr CLARKE,
Mr HARRISON,
Mr KENNEDY,
Mr LANE,
Mr HORSMANDEN.

The Bill entitled, An Act for the speedy punishing and releasing such ꝑsons from Imprisonment as shall committ any criminall offences under the degree of ffelony in the severall Countys therein mentioned was read a second time and Cōmitted to the Gentmn of the Councill or any five of them

A Message from the Assembly by Major Glen with the Bill entitled, An Act for raising the sum of ffifty pounds in the Township of Schenectady for making their old Church defensible & other fortifications in the said Town and desiring the Concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time &

Ordered a second reading

A Message from the Assembly by Major Glen with the Bill entitled, An Act for the more equally repairing the road from Towerjoine to Koghnewage Creek in the County of Albany and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time &

Ordered a second reading

Att a Councill held at ffort George in New York, the 1st *Novr*, 1734. P .M.

PRESENT — *His Excie* Wm COSBY, Captain Genrall and Govr in Chief, &c.,

Mr CLARKE,
Mr HARRISON,
Mr LIVINGSTON,
Mr KENNEDY,
Mr CORTLANDT,
Mr LANE,
Mr HORSMANDEN.

Mr Livingston Chairman of the Cōmittee to whom the Bill entitled, An Act for the speedy punishing and releasing such persons from imprisonmt as shall cōmitt any criminall offences under the degree of ffelony in the sevrall countys therein mentioned reported from the Cōmittee that they were ready to make their report thereof when this Board would please to receive the same

Ordered, that the said report be made Immediately

Then Mr Livingston in his place reported that they had gone through the said Bill without any Amendments

Then the question was put

Whether the Bill sho'd be read the third time ?

Past in the negative

And the question being put

Whether the Bill sho'd be rejected ?

It was carryed in the affirmative

The Bill entitled, An Act for raising the sum of ffifty pounds in the Township of Schenectady for making their old Church defensible and other ffortifications in the said Town Was read a second time and cōmitted to the Gentmn of the Councill or any five of them

The Bill entitled, An Act for the more equally repairing of the road from Towerjoine to Koghnewage Creek in the County of Albany was read a second time & cōmitted to the Gentmn of the Councill or any five of them

Ordered, that Mr Livingston do go to the House of Representatives and desire them to return by him to this Board the sevrall seditious Journalls of Zengers numbered 7. 47. 48. 49. and two printed Ballads which were delivered by a Committee of this Board to a Committee of the Assembly on the 17th Octr last at the house of Mr Tod together with the proposalls of the Cōmee of this Board to the Cōmee of that House

Att a Councill held at ffort George in New York, the 2d Novr, 1734.

PRESENT — *His Excie* Wm COSBY, Captain Genrall and Govr in Chief, &c.,

Mr CLARKE,	CHIEF JUSTICE,
Mr HARRISON,	Mr CORTLANDT,
Mr LIVINGSTON,	Mr LANE,
Mr KENNEDY,	Mr HORSMANDEN.

Mr Livingston According to Order of yesterdays date brought from ye Assembly the sevrall papers by that order directed to be brought to this Board

In Pursuance to an order of this Board of the 17th Octr last a Cõmittee of this Board having met a Cõmittee of the House of Representatives in order to make inquiry into the Authors of Zengers New York *Weekly Journalls* tending to raise Sedition and faction Among the people of this Province to bring his Mãties Government into Contempt and to disturb the peace thereof At which meeting the Committee of this Board gave in Writing to the Cõmee of that House Some proposalls which they thought wo'd be most effectuall to put a stop to Such growing evills and preserve the peace and dignity of his Mãties Government with which proposalls the Cõmittee of this Board desired the Concurrence of the Committee of that House but this Board finding by a Journall of the votes of that House that the matters proposed to their Cõmittee were ordered to lye on the table and conceiving it highly necessary to give a Check to such virulent and seditious libells as are dispersed throughout Zengers *Journalls* to maintaine the Dignity of his Mãties Government and to preserve the peace thereof they therefore resolved into a Committee to consider of the Same On Which his Excellency withdrew

The Cõmee having duely weighed and considered the same and finding that the whole tenour of most (if not all) of those papers now under their Consideration and particularly those Journalls entitled *The* NEW YORK WEEKLY JOURNALL *Containing the ffreshest advices forreign and domestick* printed by said Zenger and Number'd 7. 47. 48. 49 have a direct tendency to raise Sedition & tumults among the people of this province, to enflame their minds with a Contempt of his Mãties rightfull Government and Just prerogative & to disturb the peace thereof and containing in them likewise not only reflections upon his Excie the Governr in particular the Legislature in Generall but also upon the most considerable persons in the most distinguisht stations in this province It is therefore unanimously

Resolved, by this Committee that those Journalls of Zengers as above mentioned be burnt by the hands of the Cõmon hangman or whipper near the pillory in this City on Wednesday the 6th instant between the hours of Eleven and twelve in the forenoon that the Sherriff be ordered to See it effectually done and that the Mayor & other Magistrates of this City do Attend at the burning thereof

That his Excie be requested to issue his proclamation with a reward of £50 for the discovery of the Author or Authors of Said Journalls

That Zenger the printer thereof be by Order of this Board taken into Custody by the Sheriff and Comitted to prison

That An Order of this Board be Sent to the Magistrates of the respective Countys within this province diligently to exert themselves in the execution of their respective offices in order to preserve the publick peace

And on the Chief Justice withdrawing It is further

Resolved, by the Cõmittee that an order of the Board be sent to the Attorney Genrall to prosecute the printer and Author or Authors thereof when discovered.

His Excellency returning to the Councill Chamber the above resolutions were read and reported at the Board by Mr Clarke Chairman of the Cõmee and

On the quẽon being put

The same were unanimously agreed to and approved of by the Board and in pursuance thereto It is

Ordered, as follows vizt 1st That the said Journalls numbred as aforesaid be burnt by the hands of the Cõmon hangman or whipper at the time and place above mentioned, that the Sherriff See it effectually done & that the Mayor and Magistrates attend at the doing thereof

2d That a Proclamation issue with a reward of £50 for ye discovery of ye Author or Authors

3d That Zenger be by order of this Board taken into Custody by the Sheriff and be by him Cõmitted to prison

4th That an order of this Board be sent to the Magistrates of the respective Countys within this province to be active in their respective offices to preserve the publick peace

5th That an Order be Sent to the Attorney Genrall to prosecute the printer and Author or Authors when discovered. It is also further

Ordered, that the Attorney Generall be directed to inspect and examine Zengers *New York Weekly Journalls* from the first Number to the last and lay before this Board such of them and the particular places or paragraphs in each of them as tend to raise Sedition factions or tumults among the people, to bring his Mãties Government into Contempt or to disturb the peace thereof or that reflect upon any persons in the administration of the Governmt

Att a Councill held at ffort George in New York, the 4th *Novr*, 1734.

PRESENT— *His Excie* Wm COSBY, Captain Genrall and Govr in Chief, &c.,

Mr CLARKE,
Mr HARRISON,
Mr LIVINGSTON,
CHIEF JUSTICE,
Mr CORTLANDT,
Mr LANE,
Mr HORSMANDEN.

Mr Horsmanden Chairman of the Cōmittee to whom was referred the two following Bills vizt The Bill entitled, An Act for raising the sum of fifty pounds in the Township of Schenectade for making their old church defensible & other fortifications in the said Town and also the Bill entitled, An Act for the more equally repairing of the road from Towerjoine to Koghnewage Creek in the County of Albany In his place reported from the Cōmee that they were ready to make their report thereon when this Board wo'd please to receive the same

Ordered, that the said Report be made Immediately

Then Mr Horsmanden reported that the Committee had gone through the said two Bills without any Amendments wch report was agreed to and approved of by ye Board

Order'd, that the said two Bills be read the third time

Then the said two Bills were read the third time and past without any amendment

Ordered, that Mr Horsmanden do Acquaint the House of Representatives therewth

A Message from the Assembly by Coll Renselaer with the Bill entitled, An Act for the further continuance of An Act entitled, An Act for Settling and regulating the Militia in this province and making the same usefull for the security and defence thereof and for repealing all other Acts relating to the same as likewise the severall Acts whereby the same has been revived and continued and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the 1st time &

Ordered a second reading

Att a Councill held at ffort George in New York, the 6th *Novr*, 1734.

PRESENT— *His Excie* Wm COSBY, Captain Genrall and Govr in Chief, &c.,

Mr CLARKE,
Mr LIVINGSTON,
Mr KENNEDY,
CHIEF JUSTICE,
Mr LANE,
Mr HORSMANDEN.

A Message from the Assembly by Mr Gerritse with the Bill entitled, An Act for the frequent electing and calling of the Generall Assembly of this Collony that that House do not agree to the amendments made by this Board to the said Bill

Then the question being put

Whether this Board wo'd adhere to their amendments made to the said Bill?

Resolved, that this Board do adhere to their amendments made to the said Bill and

Ordered, that Mr Lane do acquaint the House of Representatives therewith

A Message from the Assembly by Coll Myndert Schuyler with the Bill entitled, An Act for discharging two certain obligations entered into respectively by Jeremiah Schuyler and Jōhes Cuyler Junr to the Treasurer of this Collony and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time &

Ordered a second reading

The Bill entitled, An Act for the further continuance of An Act entitled, An Act for settling and regulating the Militia in this province & making the same usefull for the security and defence thereof and for repealing all other Acts relating to the same as likewise the sevrall Acts whereby the same has been revived and continued, was read a second time and Committed to the Gentmn of the Councill or any five of them

His Excie withdrawing

The Gentmn of the Councill resolved into a Committee to consider of the Bill aforesaid to them referred

The Cōmee being agreed on their report by them to be made thereon and his Excie accquainted therewith

His Excie returned to the Councill Chamber and took his place

Then the Chief Justice Chairman of the Cōmee to whom the said Bill was referred in his place reported from the Cōmee that they were ready to make their report thereon when this Board wo'd please to receive the same

Ordered, that the said report be made Immediately

Then the Chief Justice as to the Bill aforesaid to them referred reported that the Cōmittee had gone through the said Bill without any amendments

Which Report on the question being put was agreed to and approved of by the Board

Ordered, that the said Bill be read the third time

Att a Councill held at ffort George in New York, the 7th Novr, 1734.

PRESENT— *His Excie* Wm COSBY, Captain Genrall and Govr in Chief, &c.,

Mr CLARKE,
Mr HARRISON,
Mr KENNEDY,
CHIEF JUSTICE,
Mr CORTLANDT,
Mr LANE,
Mr HORSMANDEN.

The Bill entitled, An Act for the further continuance An Act entitled, An Act for settling and regulating the Militia in this province and making the same usefull for the security and defence thereof and for repealing all other Acts relating to the same as likewise the severall Acts whereby the same has been reviv'd and continued was read the third time and past without any amendments

Ordered, that the Chief Justice do accquaint the House therewith

The Bill entitled, An Act for discharging two certain obligations entered into respectively by Jeremiah Schuyler and Jōhes Cuyler Junr to the Treasurer of this Collony was read a second time and Cōmitted to the Gentmn of the Councill or any five of them

A Message from the Assembly by Coll Myndert Schuyler with the Bill entitled, An Act for building a Wharf in the City of Albany where it fronts Hudsons river and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time &

Ordered a second reading

A Message from the Assembly by Mr Verplank with the Bill entitled, An Act to prevent desertion from his Majesties forces in the Collony of New York and desiring the concurrence of this Board thereto

Ordered, That the said Bill be read

Then the said Bill was Read the first time &

Ordered a second reading

A Message from the Assembly by Capt Van Horne with the Bill entitled, An Act for the better establishing the Night Watches in the City of New York and for the more equall defraying the expence thereof for the ease of the poor Inhabitants and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the 1st time &

Ordered a second reading

Att a Councill held at ffort George in New York, the 8th Novr, 1734.

PRESENT— *His Excie* Wm COSBY, Captain Genrall & Govr in Chief, &c.,

Mr CLARKE,
Mr HARRISON,
Mr KENNEDY,
CHIEF JUSTICE,
Mr HORSMANDEN.

The Bill entitled, An Act for building a Wharf in the City of Albany where it fronts Hudsons river was read a second time & cōmitted to the Gent of the Councill or any five of them

The Bill entitled, An Act for the better establishing the night Watches in the City of New York and for the more equall defraying the expence thereof for the ease of the poor Inhabitants was read a second time & Cōmitted to the Gentmn of the Councill or any five of them

The Bill entitled, An Act to prevent desertion from his Māties fforces in the Collony of New York was read a second time & Cōmitted to the Gentmn of the Councill or any five of them

His Excie withdrawing

The Board resolved into a Committee to consider of the two last mentioned Bills to them referred

The Cōmee being agreed on their report by them to be made thereon and his Excie acquainted therewith

His Excie returned to the Councill Chamber & took his place

Then Mr Harrison Chairman of the Cōmee to whom the said two Bills were referred reported that the Cōmee were ready to make their report thereon when this Board wo'd please to receive the same

Ordered, that the said Report be made Immediately

Then Mr Harrison in his place Reported that as to the Bill for the better establishing Night Watches &c the Cōmee had made an amendment thereto

Ordered, that the Amendment made to the Said Bill be read

Then the Amendment made to the Said Bill was read and

The quēon being put

Whether the Board agreed thereto?

The Same was agreed to and approved of by the Board.

Ordered, that the Said Bill be read the third time As Amended

And as to the Bill to prevent desertion from his Māties forces the Said Mr Harrison further reported that the Cōmee had gone through the Said Bill with^t Any Amendm^ts wch Report Was agreed to and approved of by the Board and

Ordered, that the Said Bill be read the third time

Att a Councill held at ffort George in New York, the 11th *Nov*r, 1734.

PRESENT — *His Excie* Wm COSBY, Captain Genrall and Govr in Chief, &c.,

Mr CLARKE,
Mr HARRISON,
Mr KENNEDY,
Mr CORTLANDT,
Mr HORSMANDEN.

The Bill entitled, An Act for the better establishing the Night Watches in the City of New York and for the more equall defraying the Expence thereof for the ease of the poor Inhabitants was read the third time As Amended and past &

Ordered, that Mr Harrison do Carry the Said Bill with the Amendment made by this Board thereto to the House of Representatives and desire their Concurrence therewith

The Bill entitled, An Act to prevent desertion from his Majesty's fforces in the Collony of New York was read the third time and past without any Amendments

Ordered, that Mr Harrison do Accquaint the House of Representatives therewith

Att a Councill held at ffort George in New York, the 13th *Nov*r, 1734.

PRESENT — *His Excie* Wm COSBY, Captain Genrall and Govr in Chief, &c.,

Mr CLARKE,
Mr HARRISON,
Mr KENNEDY,
CHIEF JUSTICE,
Mr LANE,
Mr HORSMANDEN.

Ordered, that the Deputy Clerk of the Councill do Accquaint the House of Representatives that his Excellency requires their Immediate Attendance at the Councill Chamber

The Assembly Accordingly Attending with their Speaker his Excie gave his Assent to the Six following Bills vizt

1 An Act for the further continuing An Act entitled, An Act to Let to ffarm the Excise of Strong Liquors retailed in this Collony for the time therein mentioned and for declaring Shrub lyeable to the Same dutys as distill'd Liquors

2. An Act to lay a Duty on Empty Casks imported in the City of New York during the time therein mentioned

3. An Act for raising the Sum of ffifty pounds in the Township of Schonegtade for making their old Church defensible and other ffortifications in the Said Town

4 An Act for the more equally repairing of the road from Towerjoine to Koghnewage Creek in the County of Albany

5 An Act for the further continuance of An Act entitled, An Act for Settling and regulating the Militia in this province and making the Same usefull for the Security and defence thereof and for repealing all other Acts relating to the Same As likewise the severall Acts whereby the Same has been reviv'd and continued

6. An Act to prevent desertion from his Māties fforces in the Collony of New York

And afterwards his Excellency attended with the usuall Solemnity went to the City Hall and there caused the Severall Acts aforesaid to be published

Att a Councill held at ffort George in New York, the 15th *Novr*, 1734.

PRESENT — *His Excie* Wm COSBY, Captain Generall and Governr in Chief, &c.,

Mr CLARKE,
Mr HARRISON,
Mr KENNEDY,
CHIEF JUSTICE,
Mr CORTLANDT,
Mr LANE,
Mr HORSMANDEN.

A Message from the Assembly by Mr Lott with the Bill entitled, An Act to ascertain the heighth of ffences & to regulate horses in Kings County and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read

Then the Bill was read the first time &

Ordered a second reading

A Message from the Assembly by Coll Phil Schuyler with the Bill entitled, An Act to lay a Duty on the goods and a Tax on the Negroes therein mentioned during the time and for the uses mentioned in the same & desiring the concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time &

Ordered a Second reading

Mr Horsmanden Chairman of the Committee to whom were referred the two following Bills vizt. The Bill entitled, An Act for discharging two certain obligations enter'd into respectively by Jeremiah Schuyler and Johannes Cuyler Junr to the Treasurer of this Collony And also the Bill entitled, An Act for building a wharf in the City of Albany where it ffronts Hudsons river reported from the Cõmee that the Cõmee having duely weighed and considered of the same were ready to make their report thereon when this Board wo'd please to receive the same

Ordered, that the said Report be made Immediately

Then Mr Horsmanden in his place reported that the Committee had gone through the said two Bills without any amendments which report

On the question being put

Was agreed to and approved of by the Board and

Ordered, that the said two Bills be read the third time

A Message from the Assembly by Captain Rutgers with the Bill entitled, An Act for the better establishing the night Watches in the City of New York and for the more equall defraying the Expence thereof for the ease of the poor Inhabitants & with the amendment made by this Board to ye said Bill that that House cannot agree to any Amendment to a Money Bill

Then the Question being put

Whether this Board wo'd adhere to their amendments made to the said Bill

Resolved, that this Board do adhere to their amendments made to the said Bill and

rdered, that Mr Harrison do recarry the said Bill with the amendment made by this Board thereto to the House of Representatives & accquaint them that this Board do adhere to their amendment made to the said Bill

rdered, that Mr Lane do recarry to the House of Representatives the Bill entitled, An Act for the frequent electing and calling of the Generall Assembly of this Collony for their concurrence with the Amendments to them allready sent which were made by this Board to the said Bill

Att a Councill held at ffort George in New York, the 15th *Novr*, 1734. P. M.

PRESENT — *His Excie* Wm COSBY, Captain Genrall and Govr in Chief, &c.,

Mr CLARKE,
Mr HARRISON,
Mr KENNEDY,
Mr LANE,
Mr HORSMANDEN.

The Bill entitled, An Act to Ascertain the heighth of ffences and to regulate horses in Kings County was read a second time & Cõmitted to the Gentmn of the Councill or any five of them

The Bill entitled, An Act to lay a Duty on the Goods and a tax on the Negroes therein mentioned during the time and for the uses mentioned in the same was read a second time and Committed to the Gentlemen of the Councill or any five of them

Att a Councill held at ffort George in New York, the 20th of Novr, 1734.

PRESENT— *His Excie* Wm COSBY, Captain Genrall and Govr in Chief, &c.,

Mr HARRISON, Mr CORTLANDT,
Mr KENNEDY, Mr LANE,
CHIEF JUSTICE, Mr HORSMANDEN.

A Message from the Assembly by Coll Phillipse with the Bill entitled, An Act to prolong the Duty of Tonnage layd by An Act entitled, An Act to lay a Duty of Tonnage on the Vessells & for the time therein mentioned and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the 1st time &

Ordered, a second reading

Mr Horsmanden Chairman of the Cõmee to whom was referred the two following Bills vizt An Act to lay a Duty on the goods and a tax on the Negroes therein mentioned during the time and for the uses mentioned in the same And also the Bill entitled, An Act to ascertain the heighth of ffences & to regulate horses in Kings County reported that the Cõmee were ready to make their report thereon when this Board wo'd please to receive the same

Ordered, that the said Report be made Immediately

Then Mr Horsmanden in his place reported that the said Cõmee had gone through the said two Bills without any Amendment wch report was agreed to and approved of by the Board And

Ordered, that the Bill entitled, An Act to ascertain the heighth of ffences and to regulate horses in Kings County be read the third time

Then the said Bill was read the third time and past without any Amendments

Ordered, That Mr Horsmanden do Accquaint the House of Representatives therewith

Att a Councill held at ffort George in New York, the 25th Novr, 1734.

PRESENT— *His Excie* Wm COSBY, Captain Genrall & Govr in Chief, &c.,

Mr HARRISON, Mr COURTLANDT,
Mr KENNEDY, Mr LANE,
CHIEF JUSTICE, Mr HORSMANDEN.

The Bill entitled, An Act to prolong the Duty of Tonnage layd by An Act entitled, An Act to lay a Duty of Tonnage on the vessells and for the time therein mentioned was read a second time and Committed to the Gentmn of the Councill or any five of them

His Excellency withdrawing the Gentmn of the Councill resolved into a Committee to consider of the aforegoing Bill to them referred

The Cõmee being agreed on their report by them to be made thereon and his Exciẽ accquainted therewith

His Excie returned to the Councill Chamber and took his place

Then Mr Cortlandt Chairman of the Cõmee to whom the Said Bill was referred in his place reported that the Cõmee had gone through the Said Bill witht any Amendments which report was agreed to and approved of by the Board and

Ordered, that the Said Bill be read the third time

A Message from the Assembly by Coll Myndert Schuyler with the Bill entitled, An Act to appoint & empower Cõmissioners for erecting ffortifications in this Collony at the Severall places therein mentioned & desiring the Concurrence of this Board thereto

Ordered, that the Said Bill be read

Then the Said Bill was read the ffirst time &

Ordered a Second reading

A Message from the Assembly by Coll Philipse with the Bill entitled, An Act to Strike & make Current Bills of Creditt to the vallue of £12,000, on the fonds and for the uses therein mentioned & desiring the Concurrence of this Board thereto

Ordered, that the Said Bill be read

Then the Said Bill was read the 1st time &

Ordered a Second reading

Post Meridiem.

PRESENT as before

The two following Bills vizt the Bill entitled, An Act for the building a Wharf in the City of Albany where it ffronts Hudsons river And Also the Bill entitled, An Act for discharging

two Certain obligations entered into respectively by Jeremiah Schuyler and Johannes Cuyler Junr to the Treasurer of this Collony were read the third time aud past without Any Amendments

Ordered, that Mr Horsmanden do Accquaint the House of Representatives therewith

The Bill entitled, An Act to prolong the Duty of Tonnage layd by An Act entitled, An Act to lay a Duty of Tonnage on the Vessells and for the time therein mentioned was read the third time and past without any Amendments

Ordered, that Mr Cortlandt do Accquaint the House of Representatives therewith

A Message from the Assembly by Major Glen with the Bill entitled, An Act for the partition and Division of a Certain tract of Land in Dutchess County granted to Samson Broughton, Rip Van Dam, Thomas Wenham, Roger Mompesson, Peter ffauconnier, Augustine Graham, Richard Sacckett & Robert Lurting, that that House had made an Amendment to the Said Bill with which they desired the Concurrence of this Board

Ordered, that the amendment made to the said Bill be read

Then the amendment made to the said Bill was read and

The Question being put

Whether the Board agree thereto?

The same was agreed to and approved of by the Board and

Ordered, that the Chief Justice do acquaint the House of Representatives therewith

Att a Councill held at ffort George in New York, the 26th *Novr*, 1734.

PRESENT — *His Excie* Wm COSBY, Captain Genrall and Govr in Chief, &c.,

Mr HARRISON,	Mr CORTLANDT,
Mr KENNEDY,	Mr LANE,
CHIEF JUSTICE,	Mr HORSMANDEN.

The Bill entitled, An Act to appoint & empower Cōmissioners for erecting ffortifications in this Collony at the Severall places therein mentioned was read a Second time & cōmitted to the Gentmn of the Councill or any five of them

The Bill entitled, An Act to Strike and make Current Bills of Creditt to the vallue of twelve thousand pounds on the ffonds and for the uses therein mentioned was read a Second time & committed to the Gentmn of the Councill or any five of them

Att a Councill held at ffort George in New York, the 27th *Novr*, 1734.

PRESENT — *His Excie* Wm COSBY, Captn Genrall & Govr in Chief, &c.,

Mr HARRISON,	Mr CORTLANDT,
Mr KENNEDY,	Mr LANE,
CHIEF JUSTICE,	Mr HORSMANDEN.

Mr Horsmanden Chairman of the Cōmee to whom was referred the two following Bills vizt the Bill entitled, An Act to appoint & empower Commissioners for erecting ffortifications in this Collony at the Severall places therein mentioned and also the Bill entitled, An Act to Strike and make current Bills of Creditt to the vallue of 12,000lb on the fonds and for the uses therein mentioned reported from the Cōmee that they were ready to make their report thereon when this Board wo'd please to receive the same

Ordered, That the said Report be made Immediately

Then Mr Horsmanden in his place reported that the said Cōmee had gone through the said two Bills with some amendments

Ordered, that the amendments made to the said two Bills be read

Then the amendments made to the said two Bills were read &

The Question being put

Whether the Board agreed thereto?

The same were agreed to and approved of by the Board

Ordered, that the said two Bills be read the third time as amended

Then the said two Bills were read the third time as amended and past

Ordered, that Mr Horsmanden do carry the said two Bills with the Amendmts made by this Board thereto to the House of Representatives and desire their concurrence therewith

Ordered, that the Bill entitled, An Act to lay a Duty on the goods and a tax on the Negroes therein mentioned during the time and for the uses mentioned in the same, be read the third time

Then the said Bill was read the third time and past without any Amendments

Ordered, that Mr Horsmanden do acquaint the House of Representatives therewth

Ordered, that the Honble James De Lancey Esqr Chief Justice of this province do lay before the Honble House of Representatives a copy of the 17th Article of his Māties Instructions to his Excie the Govr and do acquaint the house that they have appointed a Cōmee of three members of their body to meet a Cōmee of the House in order to consider of a joint Address to his Excie desiring his favour and consent in passing the Bill entitled, An Act to strike and make current Bills of Creditt to the vallue of twelve thousand pounds on the ffonds and for the uses therein mentioned it appearing to this Board by said Instruction which his Excellency has been pleased to cōmunicate to them that the Bill above mentioned is contrary to said Instruction and that they cannot advise his Excellency to pass the same unless the immediate use and necessity thereof be sett forth and show'd to his Excellency in a more particular and express manner

Wherefore this Board desires that the Honble House wo'd please to appoint a Cōmee of their House to meet a Cōmee of this Board at ffive of the clock this evening at the house of Mr Robert Todd of this City Vintner

Att a Councill held at ffort George in New York, the 28th *Novr*, 1734.

PRESENT — *His Excie* Wm COSBY, Captn Genrall & Govr in Chief, &c.,

Mr HARRISON,	Mr CORTLANDT,
Mr KENNEDY,	Mr LANE,
CHIEF JUSTICE,	Mr HORSMANDEN.

A Message from the Assembly by Mr Gerritse with the Bill entitled, An Act to appoint & empower Commissioners for erecting ffortifications in this Collony at the severall places therein mentioned, that that House do agree to the amendments made by this Board to the said Bill

A Message from the Assembly by Coll Philipse with the Bill entitled, An Act to strike and make current Bills of Creditt to the vallue of twelve thousand pounds on the ffonds and for the uses therein mentioned, that that House do not agree to the amendments made by this Board to the said Bill

Whereupon the question was put

Whether this Board wo'd adhere to their amendment ?

Resolved, that this Board do recede from their amendmt made to the said Bill &

Ordered, that Mr Horsmanden do acquaint the House of Representatives therewith

Ordered, that the Deputy Clerk of this Board do acquaint the House of Representatives that His Excellency requires their immediate attendance at the Councill Chamber in order to their being present at his Excellency giving his Assent to the Acts of Assembly past this Session

The Assembly accordingly attending with their Speaker The Speaker delivered to James De Lancey Esqr Chief Justice An Address of the members of this Board and of their House to his Excellency

Which the Chief Justice having in presence of the Councill and Assembly read and presented to his Excellency It is

Ordered, that the Same be entered in the minnitts of this Board and is in the Words following vizt

To his Excellency Wm COSBY Captain Generall & Governr in Chief of the provinces of *New York*, *New Jersey* and Territoryes thereon depending in *America* Vice Admirall of the Same and Collonell in his Māties Army &c

The Humble ADDRESS of his Maties Councill and the Genrall Assembly for the province of *New York*

May it please yr Excie

The Experience we have had of your Exciēs regard for this Collony throughout the whole buisyness of this Sessions, during which you have been pleased to recommend to us Such things only as are absolutely necessary for our Immediate Safety and defence and our future wellfare and prosperity without proposing to yourself any other Interest therein, than that pleasure which your Excellency receives in promoting the publick good; We have great reason to hope that the Same generous motives will induce your Excellency to favour us yet farther, We therefore beg leave to request your Excellency, that by your Assent to the Bill entitled, An Act to Strike & make Current Bills of Creditt to the vallue of twelve thousand pounds on the ffonds and for the uses therein mentioned, you wo'd be pleased to put the last hand to the erecting those ffortifications, which we hope to See rise under your Direction and which will remain to our posterity as monuments of your Exciēs Care for the Safety and Security of this Collony, over which it hath pleased his Mātie to appoint you Captain Generall and Governour

And Since Severall good ffonds are granted and applyed for the Sinking of the Said Bills We are well assured they will keep up their reputation and Creditt

S The present warr in Europe, the Diligence of the ffrench our neighbours, the decay'd fforts and defenceless State of our principall trading City and ffrontiers, Compell us to beseech your Excie to pass this Bill And we flatter ourselves that when his Matie shall be graciously pleased to Consider the naked and defenceless Condition of this Collony, he will be Convinced of the Loyalty and Zeal of his Subjects to put it in a posture of Defence by the only method in their power We are

Sr

Yr Exciēs most
obedient humble Servants
Signed by the Gentmn of the Councill & by
The Speaker of the Assembly by order of that House

To which Address his Excellency was pleased to give the following answer vizt

Gentmn of the Councill and *House of Representatives*

I thank you for the Justice you do me in this Address and notwithstanding the passing this Bill be agt his Māties 17th Instruction yet my own Inclination to promote and advance the Safety and prosperity of this Collony and the Consideration of its naked and defenceless Condition will induce me to give my assent to this Bill and I hope upon a full representation of the whole matter, His most Sacred Majesty will be graciously pleased to approve of the only method in your power to put this province in a posture of Defence

Then His Excellency was pleased to give his Assent to the 8 foll Bills vizt

7. An Act to Ascertain the heighth of ffences and to regulate horses in Ks County

8. An Act for building a wharf in the City of Albany where it ffronts Hudsons river

9. An Act for discharging two certain obligations entered into respectively by Jeremiah Schuyler & Johēs Cuyler Junr to the Treasurer of this Collony

10. An Act to prolong the Duty of Tonnage layd by An Act entitled, An Act to lay a Duty of Tonnage on the vessells and for the time therein mentioned

11. An Act for the partition and Division of a certain tract of Land in Dutchess County granted to Samson Broughton, Rip Van Dam, Thomas Wenham, Roger Mompesson, Peter ffauconnier, Augustine Graham, Richard Sacckett and Robert Lurting

12. An Act to lay a Duty on the goods and a tax on the Slaves therein mentioned during the time and for the uses mentioned in the same

13. An Act to Strike and make current Bills of Creditt to the vallue of twelve thousand pounds on the ffonds and for the uses therein mentioned

14. An Act to appoint & empower Commissioners for erecting ffortifications in this Collony at the sevrall places therein mentioned

And afterwards his Excellency attended with the usuall Solemnity went to the City Hall & there caused the sevrall Acts aforesaid to be published

His Excellency attended as aforesaid returned to the Councill Chamber and then recommended to the Speaker of the Assembly to Adjourn their House to the ffirst Tuesday in the month of Aprill next

---

N. Y. Col. MSS., LXX., 129.]

By his Excellency

WILLIAM COSBY Captain General and Governr in Chief of the Provinces of New York
(L. S.) New Jersey and the Territories thereon Depending in *America*, Vice Admirall of the same & Collonel in his Majesties Army &c

A PROCLAMATION

WHEREAS the General Assembly of the Province of New York stands adjourned until to morrow being the Second Tuesday in May I have thought fit for his Majesties Service by vertue

of ye powers and Authorities unto me granted by his Majesties Letters patent under the Great Seal of *Great Brittain* further to adjourn the said Generall Assembly until the *Second Tuesday* in *July* next And the said General Assembly is hereby accordingly adjourned until the *Second Tuesday* in *July* next Of which all his Majesties Subjects and others concerned, are to take Notice and Govern themselves accordingly

Given under my hand and Seal at Fort George in *New York* on Monday being the 12th day of *May* in the Eighth year of his Majesties Reign Annoq Domini 1735

W COSBY

By his Excellency's Command
FFRED^k MORRIS *D. Seccry*

God save the KING

[N. Y. Col. MSS., LXX., 134.]

BY HIS EXCELLENCY

WILLIAM COSBY Captain General and Governour in Chief of the Provinces of New York,
(L. S.) New Jersey and Territoryes thereon depending in *America* Vice Admirall of the same and Collonell in his Mãties Army &c

A PROCLAMATION

WHEREAS the Generall Assembly of the Province of New York stands adjourned untill to morrow being the second tuesday of July instant I have thought fitt for his Majesties service by virtue of the powers and authorityes to me granted by his Mãties Letters patent under the great seal of *Great Britain* farther to Adjourn the said Generall Assembly untill the last tuesday of *August* next ensuing And the said Generall Assembly is hereby accordingly adjourned untill the said last tuesday of *August* next of which all his Mãties subjects and others concerned are to take Notice and govern themselves accordingly

Given under my hand and seal at ffort George in *New York* this *seventh* day of *July* in the ninth year of his Mãties Reign Annoq Dom 1735

By his Excies Comand
FFRED^k MORRIS *D. Seccry*

W COSBY

[N. Y. Col. MSS., LXX., 136.]

BY HIS EXCELLENCY

WILLIAM COSBY Captain Generall and Governour in Chief of the Provinces of New York
(L S) New Jersey & Territoryes thereon depending in *America* Vice Admirall of the same and Collonell in his Mãties Army &c

A PROCLAMATION

WHEREAS the Generall Assembly of the Province of New York stands Adjourned to the last Tuesday of this Instant August I have thought fitt for his Majesty's service by virtue of the Powers and Authorityes unto me granted by his Mãties Letters patent under the great seal of *Great Britain* further to adjourn the said Generall Assembly untill the *second tuesday* in *October* now next ensuing And the said Generall Assembly is hereby accordingly adjourned untill the said *second Tuesday* in *October* next when they are peremptorily to meet and themselves in

Generall Assembly to convene without any further notification hereof Of which all his Māties Subjects and others concerned are to take Notice and Govern themselves accordingly

Given under my hand and seal at ffort George in *New York* this *twenty ffifth* day of *August* in the ninth year of his Māties Reign Annoq Dom 1735

By his Excies Command W COSBY

FFRED^k MORRIS *D Seccry*

TWENTIETH ASSEMBLY EIGHTH SESSION.

Att a Councill held at ffort George in New York, the 17th *day of October*, 1735.

PRESENT — *His Excie* Wm COSBY, Captain Gen^rall & Govr in Chief, &c.,

Mr Seccy CLARKE,
M^r VAN HORNE,
Mr KENNEDY,
Mr CHIEF JUSTICE,
Mr COURTLANDT,
Mr LANE,
Mr HORSMANDEN.

Ordered, that the Deputy Clerk of the Board do accquaint the House of Representatives that his Excellency requires their Imēdiate attendance at the Councill Chamber

The Assembly accordingly attending with their Speaker His Excellency was pleased to make a speech to them in the words following vizt

Gentlemen,

The obligation I was under to meet the six Nations of Indians at Albany to renew the covenant chain has prevented my calling you together sooner. But that the Garrison of Oswego might not be disappointed of the Provisions that are necessary for the Ensuing year I did, before I went to Albany, with the advice of his Māties Councill, Direct M^r D'Peyster and Mr Schuyler who signifyed to us their willingness to undertake it, to make Provision before the winter sho'd set in, promising them, as I now do, to recōmend it to you

There are Some things that I recōmended to you at your last Sitting which require your further and effectuall care, particularly the encouragement of the Trade of the Province and the peopling it with honest Industrious men, they are things of the utmost Concernment to you wherein, as in all other things for his Majesties Service and the good of the Country, you may depend upon my Concurrence.

W COSBY

Att a Councill held at ffort George in New York, the 3^d *Nov^r*, 1735.

PRESENT — *His Excie* Wm COSBY, Captain Gen^rall & Govr in Chief, &c.,

Doct^r COLDEN,
M^r VAN HORNE,
Mr KENNEDY,
Mr CHIEF JUSTICE,
Mr CORTLANDT,
Mr LANE,
Mr HORSMANDEN.

A Message from the Assembly by Coll Hutchinson with the Bill entitled, An Act for the further Continuing An Act Entitled, An Act to let to ffarm the Excise of Strong Liquors retailed in this Collony for the time therein mentioned and for declaring Shrub lyeable to the Same dutys as distilled Liquors & desiring the Concurrence of this Board thereto

Ordered, that the Said Bill be read

Then the Said Bill was read the 1st time &

Ordered a Second reading

A Message from the Assembly by Coll Gaasbeck Chambers with the Bill Entitled, An Act for the further Continuance of An Act entitled, An Act for Settling & regulating the militia in this province and making the Same usefull for the Security and defence thereof and for repealing

all other Acts relating to the Same as likewise the Severall Acts whereby the Same has been revived and Continued and desiring the Concurrence of this Board thereto

Ordered, that the Said Bill be read

Then the Said Bill was read the 1st time &

Ordered a Second reading

*Att a Councill held at ffort George in New York, the 4th day of Novemb*r, 1735.

PRESENT — *His Excie* Wm COSBY, Captain Generall and Govr in Chief, &c.,

Mr KENNEDY,
Mr CHIEF JUSTICE,
Mr COURTLANDT,
Mr LANE,
Mr HORSMANDEN.

Ordered, that the Deputy Clerk of the Board do accquaint the House of Representatives that his Excellency requires their immediate attendance at the Councill Chamber

The House of Representatives Accordingly Attending with their Speaker his Excellency made a Speech to them in the Words following vizt

Gentlemen,

I find by the Treasurer's Accounts of the present State of the Revenue that there is allready a large deficiency and from the Ensuing Season of the year It may be apprehended that it will be much augmented before your next meeting if Some timely and effectuall provision be not now made Justice and your own Honour oblige you to it and the officers of the Government whose Subsistance depends upon it, and his Majesties Service make it my indispensable Duty to recōmend it to you in the Strongest manner Things of this nature grow worse by delay The ways & means to pay a large Debt may become burthensome to the Country whereas a timely provision will not be felt Had I known of this at your ffirst meeting I had then mentioned it to you and not have troubled you at this time

Post Meridiem

PRESENT as before Ante Meridien

The Bill entitled, An Act for the further continuing An Act, entitled, An Act to let to ffarm the Excise of Strong Liquors retailed in this Collony for the time therein mentioned and for declaring Shrub lyeable to the same Dutys as Distilled Liquors, Was read a second time and cōmitted to the Gentlemen of the Councill or any five of them

The Bill entitled, An Act for the further continuance of An Act entitled, An Act for Settling and regulating the Militia in this Province and making the same usefull for the Security and defence thereof and for repealing all other Acts relating to the same as likewise the Severall Acts whereby the same has been revived and continued, was read a Second time and Cōmitted to the Gentlemen of the Councill or any five of them

A Message from the Assembly by Major Glen with the Bill entitled, An Act to continue two severall Acts therein mentioned relating to the publick high roads in the City and County of Albany and desiring the Concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the 1st time &

Ordered a second reading

A Message from the Assembly by Captn Rutgers with the Bill entitled, An Act to enable the Mayor, Aldermen and Cōmonalty of the City of New York to raise money for the term of two years to & for the purposes therein mentioned and desiring the Concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the ffirst time and

Ordered a second reading

Att a Councill held at ffort George in New York, the 7th day of November, 1735.

PRESENT — *His Excie* Wm COSBY, Captn Genrall & Govr in Chief, &c.,

Dr COLDEN, Mr CHIEF JUSTICE,
Mr VAN HORNE, Mr CORTLANDT,
Mr KENNEDY, Mr LANE.

The Bill entitled, An Act to enable the Mayor Aldermen and Cōmonalty of the City of New York to raise money for the term of two years to and for the purposes therein mentioned was read a second time and Cōmitted to the Gentlemen of the Councill or any five of them

The Bill entitled, An Act to Continue two Severall Acts therein mentioned relating to the publick high roads in the City and County of Albany, was read a Second time & Cōmitted to the Gentmn of the Councill or any five of them

A Message from the Assembly by Coll Philip Schuyler with the Bill entitled, An Act to continue An Act entitled, An Act to discharge the Severall Demands on the trading house at Oswego, to Support his Maties Troops posted there, to regulate the Indian trade, to prevent abuses in the same, and for other purposes therein mentioned and desiring the Concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the 1st time &

Ordered a second reading

A Message from the Assembly by Captain Rutgers with the Bill entitled, An Act to revive, enforce & continue the Currency of the Bills of Creditt therein mentioned untill the end of the year one thousand seven hundred and thirty nine and desiring ye concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the 1st time &

Ordered a second reading

A Message from the Assembly by Captn Pawling wth the Bill entitled, An Act for the further continuing An Act entitled, An Act for the better clearing, regulating and further laying out publick high roads in the County of Ulster and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the 1st time &

Ordered a second reading

His Excellency withdrawing

The Gentlemen of the Councill resolved into a Cōmee to consider of the severall Bills aforesaid to them referred

The Cōmee being agreed on their report by them to be made thereon & his Exciē accquainted therewith

His Excie returned to the Councill Chamber and took his place

Then Doctr Colden Chairman of the Cōmee to whom were referred the four following Bills vizt The Bill entitled, An Act for the further continuing An Act entitled, An Act to let to ffarm the Excise of Strong liquors Retailed in this Colony for the time therein mentioned and for Declaring Shrub lyeable to the same Dutys as Distilled Liquors

The Bill entitled, An Act for the further continuance of An Act entitled, An Act for Settling & Regulating the Militia in this Province & making the same usefull for the security and defence thereof and for repealing all other Acts relating to the same as likewise the severall Acts whereby the same has been revived & continued.

The Bill entitled, An Act to continue two severall Acts therein mentioned relating to the publick high roads in the City and County of Albany and

The Bill entitled, An Act to enable the Mayor, Alderman & Cōmonalty of the City of New York to raise money for ye term of two years to & for ye purposes therein mentioned Reported from the Cōmee that they were ready to make their report thereon when this Board wo'd please to receive the same

Ordered, that the said report be made Immediately

Then Dr Colden in his place reported that they had gone through the said three ffirst Bills without any amendments

Which report on the question being put was agreed to and approved of by the Board &

Ordered, that the said three ffirst Bills be read the third time

And as to the Bill entitled, An Act to enable the Mayor, Aldermen & Cōmonalty of the City of New York &c Doctr Colden further reported from the Cōmee that they had gone through the said Bill without any amendments which report being agreed to by the Board &

On the Question being put

Whether the said Bill sho'd be read a third time?

It was carryed in the negative and

Ordered, that the said Bill sho'd be rejected

Att a Councill held at ffort George in New York, the 8th Novr, 1735.

PRESENT — *His Excie* Wm COSBY, Captain Genrall & Govr in Chief, &c.,

Mr VAN HORNE, Mr COURTLANDT,
Mr KENNEDY, Mr LANE,
Mr CHIEF JUSTICE, Mr HORSMANDEN.

The three following Bills vizt The Bill entitled, An Act for the further continuing An Act entitled, An Act to let to ffarm the Excise of Strong Liquors retailed in this Collony for the time therein mentioned and for declaring Shrub lyeable to the same dutys as distilled Liquors

The Bill entitled, An Act for the further continuance of An Act entitled, An Act for Settling and regulating the Militia in this province and making the same usefull for the Security and defence thereof and for repealing all other Acts relating to the same as likewise the Severall Acts whereby the same has been revived and continued

The Bill entitled, An Act to continue two severall Acts therein mentioned relating to the publick high roads in the City and County of Albany was read the third time & past without any amendments

Ordered, that the Chief Justice do accquaint the House of Representatives therewith

The Bill entitled, An Act to continue An Act entitled, An Act to discharge the Severall Demands on the trading house at Oswego to Support his Mãties Troops posted there, to regulate the Indian trade, to prevent abuses in the same and for other purposes therein mentioned was read a Second time & Cõmitted to the Gentlemen of the Councill or any five of them

The Bill entitled, An Act to revive enforce & continue the Currency of Bills of Creditt therein mentioned untill the end of the year 1739 was read a Second time and Cõmitted to the Gentlemen of the Councill or any five of them

The Bill entitled, An Act for the further continuing An Act entitled, An Act for the better clearing, regulating and further laying out publick high roads in the County of Ulster was read a Second time & Cõmitted to the Gentlemen of the Councill or any five of them

His Excellency withdrawing

The Board resolved into a Cõmee to consider of three aforegoing Bills to them referred

The Cõmee being agreed on their report by them to be made thereon and his Excellency accquainted therewith

His Excellency returned to the Councill Chamber and took his place

Then Mr Horsmanden Chairman of the Cõmee to whom the said three Bills were referred reported that the Cõmee were ready to make their report thereon when this Board wo'd please to receive the same

Ordered, that the said report be made Immediately

Then Mr Horsmanden in his place reported that the Cõmee had gone through the said three Bills without any Amendments

Which report on the question being putt was agreed to and approved of by the Board and

Ordered, that the said three Bills be read the third time

A Message from the Assembly by Coll Haring with the Bill entitled, An Act to prevent Damages by Swine in the precinct of Goshan and some other parts contiguous thereto in the County of Orange and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the 1st time &

Ordered a second reading

A Message from ye Assembly by Mr Verplank with the Bill entitled, An Act for defraying the cõmon & necessary charge of the mannor of Cortlandt in the County of West Chester & desiring the concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the 1st time &

Ordd a second read

A Message from the Assembly by Coll Phillipse with the Bill entitled, An Act for Naturalizing Wm Cornlius & severall other persons therein named and desiring the concurrence of this Board thereto

Ordered, that the said Bill be read

Then the said Bill was read the 1st time &

Ordd a second reading

The Board adjourned for an hour

The Board met according to adjournment

PRESENT as before

The three following Bills vizt The Bill entitled, An Act to continue An Act entitled, An Act to discharge the severall Demands on the trading House at Oswego to support his Mãties troops

posted there to regulate the Indian trade to prevent abuses in the same and for other purposes therein mentioned

The Bill entitled, An Act to revive, enforce & continue the Currency of the Bills of Creditt therein mentioned untill the end of the year one thousand seven hundred & thirty nine &

The Bill entitled, An Act for the further continuing An Act entitled, An Act for the better clearing regulating and further laying out publick high roads in the County of Ulster

Were read the third time and past without any Amendments

Ordered, that Mr Horsmanden do accquaint the House therewith

The Bill entitled, An Act for Naturalizing Wm Cornelius & severall other persons therein named was read a second time & cōmitted to the Gentlemen of the Councill or any five of them

The Bill entitled, An Act to prevent Damages by Swine in the precinct of Goshan & some other parts contiguous thereto in the County of Orange was read a second time and cōmitted to the Gentlemen of the Councill or any five of them

The Bill entitled, An Act for defraying the cōmon & necessary charge of the mannor of Cortlandt in the County of West Chester was read a second time and cōmitted to the Gentmn of the Councill or any five of them

Post Meridiem

PRESENT, As before Ante Meridiem

Mr Lane Chairman of the Cōmee to whom were referred the three following Bills vizt The Bill entitled, An Act for Naturalizing Wm Cornlius & Sevrall other persons therein named

The Bill entitled, An Act to prevent damages by Swine in the precinct of Goshan & Some other parts Contiguous thereto in the County of Orange

The Bill entitled, An Act for defraying the Cōmon & necessary Charge of the Mannor of Cortlandt in the County of West Chester reported that the Cōmee were ready to make their report thereon when this Board wo'd please to receive the Same

Ordered, that the Said report be made Immediately

Then Mr Lane in his place reported that the Cōmee had gone through the Said three Bills without any Amendments

Which report on the question being put was agreed to and approved of by the Board and

Ordered, that the two ffirst of the Said three mentioned Bills be read the third time

Then the two ffirst of the Said three mentioned Bills were read the third time and past without any Amendments &

Ordered, that Mr Lane do Accquaint the House of Representatives therewith

And as to the Bill entitled, An Act for defraying the Cōmon & necessary charge of the Mannor of Cortlandt in the County of West Chester

On the question being put

Whether the Same Should be read the third time? It was

Ordered, that the Same Sho'd lye on the Table

Ordered, that the Deputy Clerk of the Board do Accquaint the House of Representatives that His Excellency requires their Immediate attendance at the Councill Chamber

The House of Representatives accordingly attending with their Speaker His Excellency was pleased to give his Assent to the following Bills vizt

1. An Act for the further Continuing An Act entitled, An Act to let to ffarm the Excise of Strong Liquors retailed in this Collony for the time therein mentioned & for declaring Shrub lyeable to the Same Dutys as Distill'd Liquors

2. An Act for the further Continuance of An Act entitled, An Act for Settling and regulating the Militia in this province & making the Same usefull for the Security and defence thereof and for repealing all other Acts relating to the Same as likewise the Severall Acts whereby the Same has been reviv'd & Continued.

3. An Act to Continue two Severall Acts therein mentioned relating to the publick high roads in the City & County of Albany

4. An Act to Continue An Act entitled, An Act to discharge the Severall Demands on the trading House at Oswego, to Support his Maties Troops posted there, to regulate the Indian trade to prevent abuses in the Same and for other purposes therein mentioned.

5. An Act to revive, enforce & Continue the Currency of the Bills of Creditt therein mentioned untill the end of the year One thousand Seven hundred and thirty nine

6. An Act for the further continuing An Act entitled, An Act for the better clearing regulating and further laying out publick high roads in the County of Ulster.

7. An Act to prevent Damages by Swine in the precinct of Goshan & some other parts contiguous thereto in the County of Orange

8. An Act for Naturalizing Wm Cornlius & Sevrall other persons therein particularly named

Then his Excellency attended with the usuall solemnity went to the City Hall and there caused the Severall Acts aforesaid to be published

His Excellency attended as aforesaid returned to the Councill Chamber and recōmended to the Speaker of the Assembly to adjourn themselves untill the last Tuesday in the month of March next ensuing

[N. Y. Col. MSS., LXXI., 1.]

By the Honourable

GEORGE CLARKE Esqr President of his Majesties Council and Commander in Chief of the
(L. S.) Province of New York &c

A PROCLAMATION

WHEREAS the Generall Assembly of the province of New York Stands Adjourned until the last Tuesday of the month of March Instant, I have thought fit for his Majesties Service by vertue of the Powers and Authoritys on me Devolved by his Majesties Letters Patent under the Great Seal of *Great Brittain* and by and with the advice and consent of his Majesties Council for the said Province further to adjourn the said Generall Assembly until the last *Tuesday* in *April* next ensuing, and the said Generall Assembly is hereby accordingly adjourned until the last *Tuesday* in *April* next, of which all his Majesties subjects & others concerned are to take notice and Govern themselves accordingly.

Given under my hand and Seal at ffort George in *New York* the *Eighteenth* day of *March* in the ninth year of his Majesties Reign Annoq Domini 1735

GEO. CLARKE

By His Honour's Command
FFRED^k Morris *D. Seccry*

God save the KING.

[N. Y. Col. MSS., LXXI., 17.]

By the Honourable

GEORGE CLARKE Esqr President of his Majestys Councill and Cōmander in Chief of the
(L. S.) Province of New York &c In Councill

A PROCLAMATION

WHEREAS the Generall Assembly of the Province of New York stands adjourned untill this day from the last Tuesday of this Instant Aprill, I have thought fitt for his Majesty's Service by virtue of the powers & authoritys on me devolved by virtue of his Majesty's Letters patent under the great Seal of *Great Britain*, and by and with the advice and consent of his Majesty's Councill, further to adjourn the said Generall Assembly untill *Thursday* the *twenty ninth* day of *Aprill* Instant And the said Generall Assembly is hereby accordingly adjourned untill *Thursday* the said *twenty ninth* day of *April* Instant of which his Maties Subjects and all others concerned are to take notice & govern themselves accordingly

Given under my hand and seal at ffort George in *New York* the *twenty seventh* day of *Aprill* in the ninth year of the reign of our Sov^raign Lord George the Second by the grace of God of Great Britain ffrance & Ireland King Defender of the faith &c Annoq Dom 1736

GEO. CLARKE.

By his Honours Comand
FFRED^k Morris *D. Seccry*

[N. Y. Col. MSS, LXXI., 18.]

By the Honourable

GEORGE CLARKE Esqr President of his Majesty's Councill & Cōmander in Chief of the
(L. S.) Province of New York &c In Councill

A PROCLAMATION

WHEREAS the Generall Assembly of the Province of New York stands adjourned untill this day being the twenty ninth day of Aprill instant I have thought fitt for his Majesty's service by virtue of the powers and authoritys on me devolved by virtue of his Majesty's Letters patent under the Great Seal of *Great Britain* and by and with the advice and consent of his Majesty's Councill for the said province, further to adjourn the said Generall Assembly untill *Tuesday* next being the *fourth* day of *May* now next ensuing and the said Generall Assembly is hereby accordingly adjourned untill the said *fourth* day of *May* next ensuing Of which all his Majesty's subjects and others concerned are to take notice and govern themselves accordingly

Given under my hand and seal at ffort George in *New York* this *twenty ninth* day of *Aprill* in the ninth year of the reign of our Sov^raign Lord George the Second by the grace of God of Great Britain, ffrance and Ireland King, Defender of the ffaith &c Annoq Dom 1736

GEO. CLARKE

By his Honour's Comand
FFRED^k MORRIS *D. Cl. Coun.*

[N. Y. Col. MSS., LXXI., 19.]

By the Honourable

GEORGE CLARKE Esqr President of his Majesty's Councill and Comander in Chief of the
(L. S.) Province of New York &c In Councill

WHEREAS the Generall Assembly of the province of New York stands adjourned untill this day being the ffourth day of May instant. I have thought fitt for his Majesty's service by virtue of the powers and authoritys on me devolved by virtue of his Majestys Letters patent under the Great Seal of *Great Britain*, and by and with the advice and consent of his Majestys Councill for the said province, further to adjourn the said Generall Assembly untill the ffirst *Tuesday* in *August* now next ensuing and the said Generall Assembly is hereby accordingly adjourned untill the said ffirst *Tuesday* of *August* next ensuing. Of which all his Majestys subjects and others concerned are to take notice and govern themselves accordingly

Given under my hand and seal at ffort George in *New York* this *fourth* day of *May* in the ninth year of the reign of our Sovereign Lord George the Second by the grace of God of Great Britain, ffrance and Ireland King. Defender of the ffaith &c Annoq Dom 1736

GEO CLARKE

By his Honour's Comand
FFRED^k MORRIS *D. Cl. Coun*

God save the KING.

[N. Y. Col MSS, LXXI., 27.]

BY THE HONOURABLE

GEORGE CLARKE Esqr President of his Majesty's Councill and Comander in Chief of the
(L. S.) province of *New York* &c

A PROCLAMATION

WHEREAS the Generall Assembly of the said province stands adjourned to the ffirst Tuesday in August next ensuing and Whereas some disaffected persons seeking their own private ends in publick discentions, have by false, groundless, & wicked Insinuations, reports, letters & other papers endeavoured to corrupt the minds of the Members of the said Assembly, hoping thereby to hinder them from meeting and acting, and to draw them from the Service of their Country, and their duty and allegiance to his Majesty whereby the province would be involved in fatall Convulsions and Miserys And Whereas the Season of the year to which the Assembly Stands adjourned as aforesaid will require their Immediate presence in the Country, In Consideration therefore of their own private affaires, and that they may have more time to weigh the necessity of their meeting and sitting in the ffall to make such Laws, as the Safety the Interest and creditt of the province absolutely require, and to reflect on the Danger and the consequences of their refusing or neglecting to meet & Act when duely called upon and Sumoned by his Majesty's Royall Authority, I have thought fitt in his Majesty's name by and with the advice of his Majesty's Councill for the said province, further to adjourn the said Assembly to the Second Tuesday in *September* now next ensuing And I do hereby accordingly adjourn the said Assembly to the said Second Tuesday in *September* now next ensuing and as I am Indispensably bound in Duty to his most Sacred Majesty I Do hereby in his Royall name require them to meet on that Day, as they regard the Service, peace and prosperity of the province, and as they tender their Duty and allegiance to the Best of Kings

Given under my hand and Seal at ffort George in *New York* this *twenty fourth* day of *July* in the tenth year of his Majesty's reign Annoq Dom 1736

GEO CLARKE

By his Honour's Comand
FFRED^k MORRIS *D. Cl Coun.*

[N. Y. Col. MSS., LXXI., 31.]

BY THE HONOURABLE

GEORGE CLARKE Esqr President of His Majesty's Councill and Cōmander in Chief of the
(L. S.) Province of *New York* &c In Councill

A PROCLAMATION

WHEREAS the Generall Assembly of the province of New York stands adjourned untill this day being the ffourteenth day of September instant I have thought fit for his Majesty Service by virtue of the powers and authortys on me devolved by his Majesty's Letters patent, under the Great Seal of *Great Britain*, and by and with the advice and consent of his Majesty's Councill for the said province, further to adjourn the said Generall Assembly untill to morrow being the *ffifteenth* day of this Instant *September*. And the said Generall Assembly is hereby accordingly adjourned untill the said *ffifteenth* day of *September* instant of which all his Majesty's Subjects & others concerned are to take notice and Govern themselves accordingly

Given under my hand and Seal at ffort George in *New York* this *ffourteenth* day of *September* in the teuth year of the Reign of our Soveraign Lord George the Second by the Grace of God of Great Britain, ffrance & Ireland King Defender of the ffaith &c Annoq Dom 1736

GEO CLARKE

By his Honour's Command
FFRED^k MORRIS *D Cl Coun*

God save the KING.

[N Y. Col. MSS., LXXI., 32.]

By the Honourable

GEORGE CLARKE Esqr President of his Maties Councill and Commander in Chief of the
(L. S.) Province of *New York* &c In Councill

A PROCLAMATION

WHEREAS the Generall Assembly of the province of New York stands adjourned untill this day being the ffifteenth day of September instant I have thought fit for his Majesty's service by virtue of the powers & authoritys on me devolved by his Majesty's Letters patent under the great seal of *Great Britain* and by and with the advice and consent of his Majesty's Councill for the said province further to adjourn the said Generall Assembly untill the second Tuesday in *October* now next ensuing And the said Generall Assembly is hereby accordingly adjourned untill the said second Tuesday in *October* now next ensuing on which day they are hereby required punctually to meet without any further notice of which all his Majesty's subjects & others concerned are to take notice & govern themselves accordingly

Given under my hand and seal at ffort George in *New York* this *ffifteenth* day of *September* in the tenth year of the Reign of our Soveraign Lord George the Second by the Grace of God of Great Britain ffrance & Ireland King Defender of the ffaith &c Annoq Dom 1736

GEO CLARKE

By his Honour's Command
FFRED^k Morris *D. Cl. Coun*

[N. Y. Col. MSS, LXXI., 43.]

By the Honourable

GEORGE CLARKE Esqr President of his Majestys Councill for the Province of *New York*
(L. S.) and Commander in Chief of the said Province

A PROCLAMATION

WHEREAS the Generall Assembly of the Province of New York stands adjourned untill this day being the second Tuesday in October Instant I have thought fitt for his Majesty's service by virtue of the powers and authoritys on me devolved by his Majesty's Letters patent under the Great Seal of *Great Britain* and by and with the advice and consent of his Majesty's Councill for the said province further to adjourn the said Generall Assembly untill to morrow being the *thirteenth* day of this instant *October* And the said Generall Assembly is hereby accordingly adjourned untill to morrow the said *thirteenth* day of *October* instant Of which all his Majesty's Subjects and others concerned are to take notice & govern themselves accordingly

Given under my hand and seal at ffort George in *New York* this *twelfth* day of *October* in the tenth year of the Reign of our Sov^raign Lord George the Second by the grace of God of Great Britain, ffrance & Ireland King Defender of the ffaith &c Annoq Dom 1736

GEO CLARKE

By his Honours Command
FFRED^k Morris *D. Cl. Coun*

TWENTIETH ASSEMBLY NINTH SESSION.

JOURNALL OF HIS MAJESTYS COUNCIL OF NEW YORK BEGAN

Thursday the 14th *October*, 1736.

PRESENT — *The Honourable* ABRAHAM VAN HORNE,
ARCHIBALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

His Honour the President being come into the Councill Chamber sent a Message by Mr Frederick Morris Deputy Clerk of the Councill to the Generall Assembly requiring their immediate attendance at the Council Chamber

The Generall Assembly accordingly attending His Honr made a Speech to the Councill and Generall Assembly which is as followeth, vizt.

Gentlemen,

There never was a time wherein your Sitting was more necessary than the present, to heal the unhappy divisions, that have Sprung up in this province, to provide for the Safety the defence and prosperity of it; To encourage Trade and Navigation, and to promote the Raising and Manufacturing Such commodities as may be advantageous to your Selves, and usefull to Great Britain

You have by a Resolve of your House engaged the publick faith (which ought ever to be Sacred) to make good the Deficiencies of the Revenue and I promise myself from your well known Loyalty and Duty to his Majesty that you will now chearfully and effectually provide for it, and it requires your earlyest attention

Ship-Building which in some of your neighbouring Provinces is carried on to a Large Extent and is become a considerable part of their Returns to Great Britain has for many years, been much neglected and little used in this province, and yet nature has been as bountifull to us as to them in giving us as many materials for that use, a fruitfull soil for the production of Hemp and a cheap and Safe Navigation for all, from most parts of the province to this city. As this is of the greatest Importance to you I earnestly recommend it to your present Consideration that by a timely and effectuall provision you may retrieve that beneficial Branch of Trade and carrye it to a height Superiour to any other Province.

The Marketts for your flour (the present Staple of the Province) are already so much overdone by the great Importations that are made to them from this and the other northern Colonies that unless some Manufactures be set on foot, that are wanted in Great Britain or do not Interfere with theirs, There will be no way to employ the people to any advantage Great Britain has long extended her bounty to us in the article of Hemp but we have not yet taken hold of it. It wants some further encouragement, and it is your Interest (though with a Present expence) to lay a foundation for that usefull & valuable manufacture, some of your neighbouring Provinces have done it and reap the happy fruits of it

I heartily recommend to your consideration the Fortifications now on foot that if upon Inspection of the accounts, you find the money already given will fall short, you may effectually provide for the finishing of them

Fort Hunter is in a very ruinous Condition The Palisadoes the Blockhouses and Barracks are tumbling down, and hardly to be repaired at a less charge than would build a new one. The principall end for which it was built being to Cover the Christian Settlements then made, and to encourage others to be made in that part of the Mohawks Country is happily attained, and we may reasonably expect the like good effects in the Settling the rest which is much the greatest part of the Mohawks Country. If a new ffort be built on the Carrying place at the upper end of the Mohawks Country, and the Garrison of ffort Hunter be removed thither, This will Cover the whole Mohawks Country, fix an easier Communication between all the ffrontier Garrisons from Albany to Oswego be a Safe Repositary for the goods that must be landed there in passing to and from Oswego and be a Sure protection to that Trade & Country at all times, a Small Sum of money will do the work

The House at Oswego wants Some present repairs and the upholding it is of Such Consequence to the Trade of the Province that I am perswaded you will think it highly necessary to put it in Such a Condition against the Winter as the Officers and Soldiers may be Screened from the Inclemency of the weather

The Commissioners for Indian Affairs having represented to me that there was a necessity of Sending a Smith and Some other persons to Reside for a year in the Sinneke's Country with

some Small Presents, to Secure the fidelity of that nation to us, I hope you will make proper Provision to Defray that Expence

These Things that I have recommended to you being for his Majesties Honour & Service, for the encouragement and advancement of Trade and the Generall Good of the Country, I can Safely & will Chearfully Concur with you in them as I shall in all others of the like Tendency. They deserve your utmost attention and I hope you will give them Dispatch

I make no doubt but that you are come with minds disposed to Consult his Majesties Honour, and the true Interest and quiet of the Province. Let therefore your debates be guided by moderation, make things of a private and Inferiour nature give way to those of a publick and your Electors will thank you, Posterity bless you, and future Assemblies make your actions a Rule for theirs

GEO CLARKE

14th *Oct* 1736

His Honour being withdrawn

Ordered, Nemine Contradicente, that Mr Chief Justice do act as SPEAKER of the Councill during this Session

Resolved, that the Councill will to morrow morning take His Honour's Speech into Consideration

Then the Council adjourned 'till to morrow morning Eleven O'clock

Fryday the 15th *October*, 1736.

The Councill met according to adjournment.

PRESENT as before.

His Honour the President's speech read

Then Mr Horsmanden moved that a Cõmittee be appointed to prepare an Address to return His Honour the thanks of the Councill for his seasonable speech and to express their readyness to concurr in any measures that shall be proposed for his Mãties service and the advantage peace and Tranquillity of the province.

Which Motion being seconded by Mr Cortlandt,

Ordered, that Archibald Kennedy, James De Lancey and Daniell Horsmanden Esqrs be a Committee to prepare the same and lay it before the Councill at their next sitting

Resolved, that any three of the members (whereof the Speaker to be one) may adjourn the Councill

Resolved, that no less than five be a Councill to do Buisyness.

Then the Council adjourned 'till to morrow morning, Nine O'clock

Saturday the 16th *Oct*r, 1736.

The Councill met according to adjournment.

PRESENT as before.

The Draught of An Address was brought in according to order and read and agreed to *nemine contradicente*

Ordered, that Mr Lane & Mr Horsmanden do wait on his Honour to know when he will be pleased to have the Councill attend him with their address

Mr Lane and Mr Horsmanden being returned reported that they had waited on his Honour and that he was ready to receive the Councill immediately

The Councill accordingly attended and presented their Address in these words

> The Humble ADDRESS of his Majesty's Councill for the Province of *New York* to the Honble GEORGE CLARKE Esqr, President of his Majesty's Councill and Cõmander in Chief of the said province.

May it please your Honr

We his Majesty's most Dutifull and Loyall Subjects, The members of ye Council, for the Province of New York are highly pleased with this opportunity for returning your Honour our Unfeigned Thanks for your seasonable speech

As we are met with hearts intirely disposed to consult his Māties service, and the true Interest and quiet of the Province, so in all our Debates and Resolutions, we are determined to conduct our selves with moderation, and we have the greatest reason to expect from your Honour's known wisdom and prudence, to see a period put to those unhappy Divisions which have sprung up amongst us, and have Industriously been fomented, by the wicked Artificy's of some factious and implacable spirits, who in order to gratify their own private piques and Resentments, have put all at stake and done their utmost to throw this Collony into the most fatall convulsions

Your Honour may be assured that we shall persevere to support his Majesty's Honour and Authority and with hearty zeal & unanimity endeavour to promote the peace and prosperity of the province; and most chearfully concurr in all measures which may be conducive to the common Good

By order of the Councill
JAMES DE LANCEY, Speaker

To which his Honour was pleased to make the following Answer:

Gentlemen,

I thank you for this affectionate Address, and am glad of every opportunity to declare that as I have nothing more at heart, than the Support of his Majesty's Honour and Royall Prerogative, and the Content, the peace & prosperity of the Province, It shall be my Constant care to Consult both and I promise myself from your moderation Councill and assistance, that we shall soon see a period put to the unhappy divisions that have too long subsisted

The Councill being returned to the Councill Chamber,

Ordered, that their Address with his Honour's Answer be forthwith printed.

Then the Councill adjourned 'till Tuesday morning 11 o'clock

Tuesday the 19th *Octr*, 1736.

The Council met according to adjournment.

PRESENT — *The Honourable* ARCHIBALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANll HORSMANDEN Esqrs.

Mr Chief Justice De Lancey accquainted the Councill That he had (as Speaker of the Councill) been attended by the Mayor, Recorder and two Aldermen of the Corporation of the City of New York, with a Message from their members in Cōmon Councill assembled, Whereby they offered to the Gentlemen of his Majesty's Councill the free use of their Cōmon Councill Room in the City Hall during every Session of Assembly and that they wo'd with all convenient speed, fit up the Same for their reception, in Such manner as the Council shall think proper, and that the same was at their Service, untill the necessary alterations could be made therein

Ordered, that the Said Message be taken into consideration to morrow morning

Then the Council adjourned 'till to morrow morning 11 o'clock

Wednesday, Octr 20th, 1736.

The Council met according to Adjournmt

PRESENT — *The Honourable* CADWALLADER COLDEN,
ARCHIBALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANll HORSMANDEN, Esqrs.

Mr Chief Justice De Lancey accquainting the Councill that the Buisyness of the Supream Court now Sitting, required his constant attendance, and that he co'd not regularly and Conveniently attend the Board as their Speaker, He therefore, returning the Council thanks for the Honour they had done him, requested them that they wo'd be pleased to excuse him

from that office, and either appoint Some other member for that Service in his stead, or come to a Resolution that the eldest Councillor present from time to time sho'd officiate as Speaker

And the Question being According put, It was thereupon

Resolved, that the Eldest Councillor present shall at all times hereafter preside or officiate as Speaker.

Then the Council proceeded to take into consideration the Message from the Corporation.

Resolved, That Mr Recorder do acequaint the Corporation, That the Council return the Cōmon Council thanks for their offer, and inform them, that they are willing to accept the Same, But in regard it may happen, that the future members of the Common Council, may not have the Same good disposition, they recōmend it the Gentlemen of the Cōmon Council, to Consider whether it may not be proper for them to give some Declaration of Trust which may effectually Secure the use of the Cōmon Councill Room for the members of his Majesty's Councill for the future, whenever they shall think convenient.

Ordered, that the Treasurer do forthwith lay before the Councill a Compleat account of the present state of his Majesty's Revenue, and that the Clerk do serve him with a copy hereof

Then the Council adjourned 'till to morrow morning 10 o'clock.

Thursday, *Octr* 21st, 1736.

The Council met according to adjournmt

PRESENT — *The Honourable* CADWALLADER COLDEN,
ARCHIBALD KENNEDY,
PHILIP CORTLANDT,
HENRY LANE,
DANll HORSMANDEN, Esqrs.

Then the Council adjourned 'till to morrow morning 11 o'clock.

Fryday, *Octr* 22d, 1736.

The Council met according to adjournmt

PRESENT as above

A Message from the Assembly by Coll Philip Schuyler with the Bill entitled, An Act for the further continuance of An Act entitled, An Act for settling and regulating the Militia in this province, and makeing the same usefull for the security and defence thereof, and for repealing all other Acts relating to the same, as likewise the severall Acts whereby the same has been reviv'd & Continued desiring the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the ffirst time and

Ordered, that the same be read a second time at the next meeting of this Board

A Message from the Assembly by Coll Corns Herring with the Bill entitled, An Act to enable the Justices of the Peace in Orange County to build a New Court House and Goal for the said County desiring the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the ffirst time

After which a petition was exhibited and lay'd before this Board by Samll Clowes Gentmn Attorney at Law, in behalf of the Inhabitants of the precincts of Goshen and Minnisincks in the said County of Orange setting forth that he in behalf of the said Inhabitants had divers objections to offer against the said last mentioned Bill, and praying leave to be heard thereupon before this Board

Which petition having been read It is

Ordered, that the said Bill be read a second time on Wednesday next, and that the Petr have notice thereof and that he do then accordingly attend

A Message from the Assembly by Captain Van Horne with the Bill entitled, An Act to revive An Act entitled, An Act for mending and keeping in repair the Postroad from New York to Kings Bridge Desiring the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time and

Ordered to be read a second time at the next meeting of this Board

A Message from the Assembly by Captain Rutger with the Bill Entitled, An Act to revive An Act entitled, An Act for the Speedy punishing and releasing Such persons from Imprisonment as shall committ any criminall offences in the city of New York under the degree of Grand Larceny Desiring the concurrence of the Councill thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time and

Ordered to be read a second time on Wednesday next

Then the Councill adjourned 'till Tuesday next 10 o'clock

Tuesday the 26th *Octr*, 1736.

The Council met according to adjournmt.

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

ARCHIBALD KENNEDY,
PHILIP CORTLANDT,
HENRY LANE,
DANll HORSMANDEN, Esqrs.

Mr Recorder layd before the Board a Resolve and Order of the Cõmon Council of this City appropriating the Cõmon Council Chamber in the City Hall for the use and Service of his Maties Councill at all times during their Sessions in Generall Assembly.

Which having been read was

Ordered, to be filed and enter'd in the Minnitts of this Board, and is in the words following vizt

Att a CÕMON COUNCIL held at the City Hall of the said City on *Thursday* the 21st day of *October* 1736

PRESENT—PAUL RICHARD, Esqr Mayor,
GERRARDUS STUYVESANT, Esqr Deputy Mayor,
DANll HORSMANDEN, Esqr, Recorder,

John Walter,
William Roome,
Christopher Fell,
Johannes Burger,
} Esqrs Aldermen

Charles Le Roux,
John Fred,
Henry Bogert,
Peter Stoutenburgh,
} Assistants

Forasmuch as his Majesty's Councill of this Province in their Legislative Capacity, During the Sitting of the Generall Assembly are to sit and act in their Legislative Capacity, as a Distinct Body by themselves (without the presence of the Governour or Cõmander in Chief of this province) and Whereas a convenient room or Chamber in the City Hall of this City is not yet cõmodiously fitted up and ffurnished for his Majesty's said Council to meet and sit in for the better expediting the publick affaires of this Collony in Generall Assembly; And Forasmuch as the Chamber in the City Hall of this City, cõmonly called the Cõmon Council Chamber is under the same rooff, where the Generall Assembly do usually meet and sit, whereby both Houses of the Legislature may have speedy recourse to each other for their greater ease and more speedy accomplishing the publick affaires of this province It is therefore

Resolved, and *Ordered*, That the said Chamber in the City Hall of this City, cõmonly called the Cõmon Council Chamber, be with all convenient expedition handsomely fitted up and ffurnished, and a convenient closett or more be made in the same, and that the same Chamber be adorned with some pictures, maps, prints and other usefull ffurniture, and that the same Chamber be appropriated for the use and service of his Majesty's Councill of this province, at all times during their Sessions in Generall Assembly, and not otherwise, Reserving to this Corporation, the property and use thereof at all other times, so that the same be secured for the sitting of his Majesty's Council in Generall Assembly, in such manner and form as this Court shall be advised by Council learned in the Law, and that Alderman Stuyvesant, Alderman Roome, Alderman Fell, Mr Le Roux and Mr Fred or any three of them be a Cõmittee forthwith to take care the same Chamber be fitted up, ffurnished and adorned as aforesaid, at the charge of this Corporation

℣ Order of Cõmon Council

WILL SHARPAS Cl.

Then the Council Adjourned Imẽdiately to the Council Chamber in the City Hall

The Council met at the Council Chamber in the City Hall according to adjournment

PRESENT as before

The Bill entitled, An Act for the further continuance of An Act Entitled, An Act for Settling and regulating the Militia in this province and making the Same usefull for the Security and defence thereof, and for repealing all other Acts relating to the Same, as likewise the Severall Acts whereby the Same has been revived and continued, Was read a Second time and cōmitted to the Gentlem^n of the Councill or any five of them

The Bill entitled, An Act to revive An Act entitled, An Act for mending and keeping in repair the Post Road from New York to Kings Bridge Was read a Second time and Cōmitted to the Gentlem^n of the Council or any five of them

Ordered, that the Clerk of this Board do accquaint the House of Representatives that this Board have adjourned themselves to the Councill Chamber in the City Hall where they intend to meet & Sitt during this Session of the Assembly

The Clerk returning Accquainted the Board that he had Accordingly delivered the above message

A Message from the Assembly by Coll Beekman with the Bill entitled, An Act to revive An Act Entitled, An Act to prevent Swine running at large in Dutchess County & in the Mannor of Livingston, and in the precinct of the Mannor of Renslaerwyck called Claverack in the County of Albany Desiring the concurrence of the Councill thereto

Ordered, that the Said Bill be read

Then the Said Bill was read the ffirst time and

Ordered to be read a Second time at the next meeting of the Board

Then the Council adjourned till to morrow morning 10 O'clock

Wednesday the 27th *Oct^r*, 1736.

The Council met according to Adjournment.

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

ARCHIBALD KENNEDY,
JAMES DE LANCEY,
PHILIP COURTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esq^rs

This being the day appointed for the Second reading of the Bill entitled, An Act to enable the Justices of the peace in Orange County to build a new Court House & Jail for the Said County and for hearing the objections against it in behalf of the Inhabitants of the precinct of Goshen and Minnisink the Said Bill was accordingly read a Second time But in reguard Mr Clowes who was retained of Council in behalf of the Said Inhabitants cou'd not possibly attend on this day, It is therefore

Ordered, at the request of the Said Inhabitants that the hearing be deferred till Tuesday next and that both Parties be then heard before the Council as well in Support of as against the Said Bill

The Bill Entitled, An Act to revive An Act Entitled, An Act for the Speedy Punishing & Releasing Such Persons from Imprisonment as shall committ any Criminal Offences in the City of New York under the degree of Grand Larceny was Read a Second time and Committed

The Bill entitled, An Act to revive An Act Entitled, An Act to prevent Swine running at large in Dutchess County & in the Mannor of Livingston and in the Precinct of the Mannor of Renslaer Wyck called Claverack in the County of Albany was read a Second time and Committed

A Message from the Assembly by Major Glen with the Bill Entitled, An Act to enforce part of An Act Entitled, An Act for raising fifty pound in the Township of Schanegtade for making their old Church Defencible & other Fortifications in the said Town and for Amending some Gullies at the end of some of the Streets in the same and for Erecting a Bridge & Repairing of the Roads at the places therein mentioned Desiring the Concurrence of the Council thereto

Ordered, that the Said Bill be read

Then the Said Bill was read a Second time &

Ordered a Second reading

The Council resolved into a Cōmittee to Consider of the Bill Entitled, An Act to revive An Act Entitled, An Act to prev ent Swine runing at large in Dutchess County, and in the Mannor of Livingston, and in the precinct of the Mannor of Renslaer Wyck called Claverack in the County of Albany

The Committee having duely Weighed & Considered of the Same and being ready to make their Report thereon when the Council wo'd please to receive the Same

Ordered, that the Said Report be made Immediately

Then Mr Horsmanden Chairman of the Cōmittee to whom the Said Bill was referred in his place reported that the Committee had gone through the Said Bill without any Amendments

Which Report on the question being put was agreed to & approved of and

Ordered, that the said Bill be read the third time

Ordered, that the Minnitts of the Councill be first perused by the Council before they be entered in the Book for that purpose to be kept

A Message from the Assembly by Coll Morris Junr which he having read was *Ordered*, to be entered in the minnitts of which is in the words following vizt

Die Martis 26th *October*, 1736

A Message by the Deputy Clerk of the Council Accquainting the House that the Gentlemen of the Council met at the City Hall in the Chamber commonly called the Common Council Room, and that they intend to adjourn at & to the Same place from time to time during this Sessions of the General Assembly

Ordered, that Coll Morris Junr accquaint the Gentlemen of the Council that it is the more Agreeable to this House that they have met and do intend to meet in the Said Chamber at the City Hall during this Session inasmuch as this House do conceive it is Conformable to the Constitution of this Goverment that the Council in their Legislative Capacity do Act as a Seperate Body during the meeting and Sitting of the General Assemblys of this Collony

By Order of the General Assembly

G. Ludlow Cl.

Then the Council adjourned till Tuesday next at 10 o'clock in the morning

Tuesday the 2^d *Novemb^r*, 1736.

The Council met according to adjournment.

Present — *The Honourable* Cadwallader Colden, Esqr, Speaker.

Abraham Van Horne,
Archibald Kennedy,
James De Lancey,
Philip Cortlandt,
Henry Lane,
Danl Horsmanden, Esq^rs.

This being the day appointed for the hearing of both Parties by their Council as well for as against the Bill Entitled, An Act to Enable the Justices of the Peace in Orange County to build a new Court House & Jail for the said County

And both Parties being in waiting and called in were accordingly heard by their Council and then ordered to withdraw

Then the Council adjourned to 4 o'clock P. M.

The Council met according to adjournment

Present— Ut Ante Meridiem

A Message from the Assembly by Coll Philip Schuyler & Coll Philipse which being read was ordered to be entered in the minnitts and is in the words following vizt

The House taking into consideration that the several Bills sent by them to the Council for their concurrence were passed whilst George Clarke Esqr was President and Commander in Chief of this Colony and his Majesties Commission constituting him Lieutenant Governour of the same having since been Published

Ordered, that Coll Philip Schuyler and Coll Philipse desire the Gentlemen of the Council to send the several Bills aforesaid to the House that they may make the proper alterations in the stile thereof.

On which It is

Ordered, that the Clerk do carry the several Bills now depending before the Council to the House of Representatives as is desired by their Message of this day sent by Coll Philip Schuyler and Coll Philipse in order for them to make the necessary alterations in the Style thereof and that the Clerk do wait there to receive the said Bills back when the alterations shall be so made.

The Clerk accordingly returning brought the said Bills back with the alterations made by the Assembly in the style thereof and layd the same before the Council

Ordered, that the Hono^ble Cadwallader Colden, James De Lancey and Daniel Horsmanden Esq^rs be a Cōmittee to Join with a Comittee of the members of the Assembly in preparing An Address to his Majesty on the Nuptialls of his Royall Highness the Prince of Wales

Ordered, that the Honourable Daniel Horsmanden Esqr do accquaint the House of Representatives that the Council have appointed the Honble Cadwallader Colden, James De Lancey, and Daniel Horsmanden Esq^rs to be a Committee to prepare An Address to his Majesty on the Nuptialls of his Royall Highness the Prince of Wales with which the Councill desire the concurrence of the Assembly and that they wo'd appoint a Comittee of their House to joyn with & meet the said Cōmittee of the Council at the house of M^r. Tod on Thursday next at six o'clock in the Afternoon in order to prepare the said Address

Then the Council adjourned till to morrow morning 10 o'clock

Thursday the 3^d November, 1736.

The Council met according to adjournment.

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker.

ABRAHAM VAN HORNE,
ARCHIBALD KENNEDY,
JAMES DE LANCEY,
PHILIP COURTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esq^rs

The Bill Entitled, An Act to revive An Act Entitled, An Act to prevent Swine runing at large in Dutchess County and in the mannor of Livingston & in the precinct of the mannor of Renslaer Wyck called Claverack in the County of Albany was read the third time & the Question being put

Resolved, that the Bill do pass

Ordered, That the Deputy Clerk of the Council do Accquaint the General Assembly therewith

Mr Horsmanden Chairman of the Cōmittee to whom were referred the three followiug Bills vizt

The Bill entitled, An Act for the further Continuance of An Act Entitled, An Act for setling & regulating the Militia in this province & making the same usefull for the security and defence thereof and for Repealing all other Acts Relating to the same as likewise the several Acts whereby the same has been revived & continued

The Bill Entitled, An Act to revive An Act Entitled, An Act for the speedy punishing and Releasing such persons from Imprisonment as shall committ any Criminal offences in the City of New York under the Degree of Grand Larceny

And the Bill Entitled, An Act to revive An Act entitled, An Act for mending and keeping in Repair the Post Road from New York to Kings Bridge Reported that the Cōmittee were ready to make their Report thereon when the Council would please to receive the same

Ordered, that the said Report be made Immediately

Then Mr Horsmanden in his place reported that the Comittee having duely weighed & considered of the said three Bills had gone through the same without any amendments

Which Report on the Question being put was agreed to and approved of

Ordered, that the said three Bills be read the third time

Then the said three Bills were read the third time and the Question being put

Resolved, that the said three Bills do pass

Ordered, that the Deputy Clerk of the Council do accquaint the General Assembly that the Council have passed the said three Bills without any Amendments

The Bill Entitled, An Act to Enforce part of An Act entitled, An Act for raising fifty pounds in the Township of Schanegtade for making their old Church Defensible & other ffortifications in the said Town and for amending some Gullies at the End of some of the streets in the same and for erecting a Bridge & repairing of the Roads at the places therein mentioned Was read a second time and Comitted

A Message from the Assembly by Mr Verplank with the Bill entitled, An Act for the further continuing An Act entitled, An Act to Let to farm the Excise of Strong liquors retailed in

this Colony for the time therein mentioned & for Declaring Shrub Liable to the same Duties as Distilled Liquors Desiring the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the ffirst time and

Ordered a second reading

A Message from the Assembly by Collonel Myndert Schuyler with the Bill Entitled, An Act for the payment of Sixty pounds to Henry Barckly for the service & out of the Bills of Creditt therein mentioned Desiring the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was Read ye first time and

Ordered a second reading

The Council received a Message from the General Assembly by Mr Gerritsen that a Comittee of their House wo'd meet a Comittee of the Council at the time and Place by them appointed on the subject matter of the Address to his Majesty on the Nuptialls of his Royal Highness the Prince of Wales and that It was their Inclination that his Honour the Lieutenant Governour be desired to Joyn in the said Address

Then the Council adjourned 'till to morrow morning 10 o'clock

Thursday the 4th November, 1736.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

ABRAHAM VAN HORNE,
ARCHIBALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esq^rs.

The Bill Entitled, An Act for the further continuing An Act Entitled, An Act to Let to Farm the Excise of Strong Liquors retailed in this Colony for the time therein mentioned and for Declaring Shrub Liable to the same Duties as Distilled Liquors was read a Second time & committed

The Bill Entitled, An Act for the Payment of Sixty Pounds to Henry Barckly for the Service and out of the Bills of Creditt therein mentioned was read a Second time & comitted.

A Message from the Assembly by Coll Philipse with the Bill Entitled, An Act for the better clearing, regulating and further laying out Publick high roads in the County of West Chester Desiring the concurrence of the Council thereto

Ordered, that the Said Bill be read

Then the said Bill was read the first time and

Ordered a second reading

A Message from the Assembly by Coll Hutchinson with the Bill Entitled, An Act to Revive An Act Entitled, An Act for the Speedy Punishing and Releasing such Persons from Imprisonment as shall Committ any Criminall Offences under the degree of Grand Larceny in the several Countys therein mentioned and to Include the City & County of Albany and the County of Suffolk therein, Desiring the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time and

Ordered a second reading

The Council Resolved into a Comittee to consider of the three following Bills vizt

The Bill Entitled, An Act to Enforce part of An Act Entitled, An Act for Raising ffifty Pounds in the Township of Schanegtade for making their old Church defencible and other Fortifications in the said Town and for Amending some Gullies at the end of some of the streets in the same and for erecting a Bridge & Repairing of the roads at the places therein mentioned

The Bill Entitled, An Act for the further continuing An Act Entitled, An Act to Let to ffarm the Excise of Strong Liquors Retailed in this Colony for the time therein mentioned and for declaring Shrub Liable to the same Duties as Distilled Liquors and

The Bill Entitled, An Act for the payment of Sixty pounds to Henry Barckly for the Service and out of the Bills of Creditt therein mentioned

The Comittee having duely weighed & considered of the same and being ready to make their report thereon

The Speaker resumed the chair

Ordered, that the said Report be made Immediately

Then Mr Horsmanden Chairman of the Comittee to whom the said three Bills were referred in his place Reported that the Comittee had gone through the said Bills & had directed him to Report the same without any amendments

Which Report on the question being put was agreed to & approved of

Ordered, that the said three Bills be read the third time

Then the Council adjourned 'till Saturday next at 10 o'clock in the morning

Saturday, the 6th November, 1736.

The Council met according to adjournment

PRESENT— *The Honourable* CADWALLADER COLDEN, Esqr, Speaker.

ABRAHAM VAN HORNE,
ARCHIBALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs

The three following Bills vizt The Bill Entitled, An Act to Enforce part of An Act Entitled, An Act for raising fifty pounds in the Township of Schanegtade for making their old Church Denfencible & other Fortifications in the said Town and for amending some Gullies at the End of some of the streets in the same and for Erecting a Bridge & repairing of the roads at the places therein mentioned

The Bill Entitled, An Act for the further continueing An Act Entitled, An Act to let to ffarm the Excise of Strong Liquors Retailed in this Colony for the time therein mentioned and for declaring Shrub Liable to the same Duties as distilled Liquors and

The Bill Entitled, An Act for the Payment of sixty pounds to Henry Barckly for the service & out of the Bills of Creditt therein mentioned was read the third time and the Question being put

Resolved, that the said three Bills do pass

Ordered, that the Deputy Clerk of the Council do acquaint the General Assembly therewith

The Bill Entitled, An Act for the better clearing Regulating & further laying out Publick high roads in the County of West Chester Was read a second time & comitted

The Bill Entitled, An Act to revive An Act Entitled, An Act for the speedy Punishing and releasing such Persons from Imprisonment as shall comitt any Criminal offences under the degree of Grand Larceny in the severall Countys therein mentioned and to Include the City & County of Albany & the County of Suffolk therein was read a second time & Comitted

Mr Chief Justice from the Comittee appointed to prepare the Draught of an Address to Congratulate his Majesty on the Nuptialls of his Royal Highness the Prince of Wales presented the Draught to the Council which was unanimously agreed to

Ordered, that Mr Chief Justice do acquaint the General Assembly that the Council have approved of the Draught of the Address to his Majesty prepared by the Comittees of the Council & the General Assembly & that they have appointed the Honourable Cadwallader Colden, Daniel Horsmanden Esqrs & himself to wait upon his Hounour the Lieutenant Governour to desire him to Joyn with the Council & the General Assembly therein

The Chief Justice returning accquainted the Council he had accordingly delivered the above Message to the General Assembly

A Message from the General Assembly by Coll Philipse in the words following

Die Sabbatt 6 *November* 1736

Ordered, that Coll Philipse accquaint the Council that the Address to his Majesty as it is prepared by their Comittee in conjunction with a Comittee of this House is approved of by the said House

By order of the House
G. LUDLOW Cler.

Another Message by Coll Philipse Vizt

Die Sabatt 6 *November* 1736

Ordered, that Coll Philipse accquaint the Council that this House have appointed Coll Myndert Schuyler, Coll Philipse Mr Ver Plank, Coll Matthews, Capt Rutgers and Mr Le Count to Joyn with the Gentlemen of the Council named in their Message to wait on the Lieuten Governour and desire him to Joyn with the Council & the General Assembly in the Address to his Majesty

and that he do likewise accquaint the Council that the members of this House will be ready to sign the same when it is Engrossed & signed by the Lieutenant Governour & them

By order of the Gen[l] Assembly

G. Ludlow Cler

The Treasurer laid before the Council a General Account of the present State of his Majesties Revenue in this Colony to the first of September 1736 which was

Ordered, to lye on the Table for the perusal of the members

Ordered, that the consideration of the Bill Entitled, An Act to Enable the Justices of the peace in Orange County to build a New Court house & Jail for the said County be deferred 'till Monday next & that both Parties may be then further heard if they shall think fit

Then the Council adjourned to Monday next at 10 o'clock in the morning

Monday the 8 *November*, 1736.

The Council met according to adjournment

Present — *The Honourable* Cadwallader Colden, Esq[r], Speaker,

Abraham Van Horne,
Archibald Kennedy,
James De Lancey,
Philip Cortlandt,
Henry Lane,
Daniel Horsmanden, Esq[rs].

The Councill proceeded to take into consideration the Bill Entitled, An Act to Eneable the Justices of the Peace in Orange County to build a New Court House and Jail for the said County

The Parties for and against the Bill were further heard

On their withdrawing a motion was made that they might be admitted to prove their Title to the Ground mentioned in the Bill which on the Question being put being carryed in the affirmative they were accordingly admitted & produced a Deed for that Purpose

On which the Parties withdrew

Then the Question was put

Whether the said Bill sho'd be comitted?

Which was carryed in the affirmative

Then the Council resolved into a Comittee to consider as well of the said Bill as of the Bill Entitled, An Act to revive An Act Entitled, An Act for the Speedy Punishing & Releasing such persons from Imprisonment as shall Commit any Criminal Offences under the Degree of Grand Larceny in the several Counties therein mentioned and to Include the City & County of Albany and the County of Suffolk therein

The Comittee having duely weighed & considered of the said two Bills and being ready to make their Report thereon when the Council would please to receive the same

Then the Speaker resumed the Chair

Ordered, That the said Report be made Immediately

Then M[r] Horsmanden in his place reported that the Comittee had gone through the Bill Entitled, An Act to Enable the Justices of the peace in Orange County to build a New Court House & Jail for the said County and had directed him to report the said Bill without any amendments

Which Report on the Question being put was agreed to & approved of

Ordered, that the said Bill be read the third time

Then the said Bill was read the third time and the Question being put

Resolved, that the said Bill do pass

Ordered, that the Deputy Clerk of the Council do accquaint the General Assembly that the Council have past the said Bill without any amendments

M[r] Horsmanden in his place further reported from the Comittee that they having considered of the Bill Entitled, An Act to revive An Act Entitled, An Act for the speedy Punishing and Releasing such Persons from Imprisonment as shall commit any criminal offences under the Degree of Grand Larceny in the several Counties therein mentioned and to Include the City & County of Albany and the County of Suffolk therein They had gone through the said Bill and had made an amendment thereto

Ordered, that the amendment be read

Then the amendment was read and on the Question being put was agreed to and approved of

Ordered, That the said Bill be read the third time as amended

Then the said Bill was read the third time and

The Question being put

Resolved, that the said Bill as amended do Pass

Ordered, that Mr Horsmanden do carry the said Bill with the amendment made by the Council thereto to the General Assembly and desire their concurrence therewith

Doctor Colden acquainted the Council that the Comittee of the Council & General Assembly had waited on his Honour the Lieutenant Governour with the Draught of the Address to his Majesty to desire him to Joyn with them therein to which his Honour was pleased to return the following answer:

Gentlemen,

I am highly pleased that upon my recōmendation you have prepared a Draft of An Address to his Mātie on the marryage of his royal highness the Prince of Wales with her highness the Princes of Sax Gotha. I have read it and heartily concurr with you in it

Then the Council adjourned to 3 o'clock P. M.

Monday, 8th *November*, 1736, P. M.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker.

ARCHIBALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Council resolved into a Comittee upon the Bill Entitled, An Act for the better clearing Regulating and further Laying out Publick high roads in the County of West Chester The Comittee having duely weighed and considered of the same and being ready to make their Report thereon

The Speaker resumed the Chair

Ordered, that the said Report be made Imediately

Then Mr Horsmanden Chairman of the Cōmittee in his place Reported that they had gone through the said Bill and had made an amendment thereto

Ordered, that the amendedment made to the said Bill be read

Then the amendment was read

And on the Question being put

The same was agreed to and approved of

Ordered, that the said Bill be read the third time as amended

Then the said Bill was read the third time accordingly

Resolved, on the Question being put that the said Bill as amended do pass

Ordered, that Mr Horsmanden do carry the said Bill with the Amendment to the General Assembly and desire their concurrence therewith

The Council adjourned till to morrow morning 10 o'clock

Tuesday the 9th *November*, 1736.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker.

ARCHIBALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

A Message from the Assembly by Coll Hutchinson with the Bill Entitled, An Act to revive An Act Entitled, An Act for the speedy Punishing & Releasing such Persons from Imprisonment as shall comitt any criminal offences under the Degree of Grand Larceny in the several Countys therein mentioned and to Include the City & County of Albany and the County of Suffolk therein together with the amendment made by the Council thereto That their House have agreed to the amendmt and requesting the Council to amend the said Bill accordingly

Then the said Bill was accordingly amended in presence of the Council and the amendment itself likewise affixed to the Bill

A Message from the Assembly by Mr Verplank with the Bill Entitled, An Act for the better clearing Regulating and further laying out publick high roads in the County of West Chester together with the amendment made by the Council thereto That their House have agreed to the Amendment and requesting the Council to amend the said Bill accordingly

Then the said Bill was accordingly amended in presence of the Council and the Amendment itself likewise affixed to the Bill

Ordered, that all the standing Rules or orders of the Council be not only Entered in the Minnitts of the Day on which the same shall be made but also in a distinct place by themselves for that purpose to be kept in order to the readier turning to and finding out any particular standing Rule or order as occasion may require

Ordered, that the Honble Cadwallader Colden James De Lancey & Daniel Horsmanden Esq^rs do wait on his Honour the Lieutenant Governour with the Address to his Mātie on the Nuptials of his Royal Highness the Prince of Wales requesting his Hon^r that he will be pleased to transmitt the same by the first opportunity

Then the Council adjourned 'till to morrow morning 11 o'clock

Wednesday, 10th *November*, 1736.

The Council met according to adjournment.

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker.

ABRAHAM VAN HORNE,
ARCHIBALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esq^rs.

Cadwallader Colden Esqr acquainted the Council that he in conjunction with James De Lancey & Daniel Horsmanden Esq^rs had pursuant to an order of Council of the ninth Instant waited on his Honour the Lieutenant Governour with the Address to his Majesty on the Nuptials of his Royal Highness the Prince of Wales to request him to transmitt it by the first opportunity and had left it in his hands on which his Honour promised to transmitt the same accordingly by the first convenient opportunity

The Deputy Clerk and Door keeper of the Council having each of them respectively attended that service the number of fourteen days during this session, It is

Ordered, that the Speaker of the Council do Issue his Certificate for that purpose requesting his Honour that a warrant may be drawn on the Revenue for paying to the Deputy Clerk twelve Shillings for each day & to the Doorkeeper of the Council Six Shillings for each day

His Honour with the usual Solemnity came to the Council Chamber at the City Hall in order to give his Assent to the Severall Bills past this Session and took his Seat at the Council Board

Then his Honour sent a Message by the Deputy Clerk of the Council to the General Assembly requiring their Immediate attendance in order to their being present at his Honours Giving his Assent to the said several Bills

The General Assembly accordingly attending with their Speaker his Honour addressed himself to the Gentlemen of the Council & of the Assembly in the words following vizt

Gentlemen of the Council & of the Assembly,

I am come to give my Assent to the Bills that have past both Houses, and I do it with the greater pleasure, as it can't be said that I am Induced to it by private views or Self Interest The Happyness of the People and the prosperity of the Province are the things that I profess to have at heart, and I shall on all occasions demonstrate by my actions the sincerity of my professions

Then his Honour gave his Assent to the ten following Bills vizt

1 An Act for the further continuance of An Act Entitled, An Act for Settling and Regulating the Militia in this Province and making the same usefull for the Security & defence thereof and for Repealing all other Acts relating to the same as likewise the several Acts whereby the same has been revived & continued

2 An Act to Revive An Act Entituled, An Act for the Speedy Punishing & Releasing such Persons from Imprisonment as shall Committ any Criminal Offences in the City of New York under the Degree of Grand Larceny

3 An Act to revive An Act entituled, An Act for mending & keeping in repair the Post Road from New York to Kings Bridge

4 An Act to Revive An Act Entituled, An Act to Prevent Swine Runing at large in Dutches County and in the Mannor of Livingston and in the Precinct of the Mannor of Renslaer Wyck called Claverack in the County of Albany

5 An Act to Enforce part of An Act Entituled, An Act for Raising fifty pounds in the Township of Schanegtade for making their old church Defencible, and other ffortifications in the said Town and for amending some Gullies at the End of some of the Streets in the same and for Erecting a Bridge & Repairing of the Roads at the places therein mentioned

6 An Act for the further continuing An Act Entitled, An Act to let to farm the Excise of Strong Liquors Retailed in this Colony for the time therein mentioned and for Declaring Shrub Liable to the same Dutys as Distill'd Liquors

7 An Act for the Payment of Sixty Pounds to Henry Barckly for the service & out of the Bills of Credit therein mentioned

8 An Act to enable the Justices of the Peace in Orange County to Build a New Court House & Jail for the said County

9 An Act to Revive An Act Entitled, An Act for the Speedy Punishing and Releasing such persons from Imprisonment as shall commit any Criminall Offences under the Degree of Grand Larceny in the several Counties therein mentioned & to Include the City & County of Albany & the County of Suffolk therein

10 An Act for the Better Clearing Regulating & further Laying out Publick High Roads in the County of West Chester

Then His Honour accquainted the Gentlemen of both Houses That he thought it necessary for his Mäties Service & the Benefit of the Province to Prorogue them to the last Tuesday in March next and his Honour declared that the said General Assembly is hereby accordingly Prorogued to the said last Tuesday in March next

After which his Honour attended with the Gentlemen of the Council and of the Assembly & those of the Corporation with the other usual Solemnitys Returned to the Council Chamber at the ffort

---

[N. Y. Co. MSS., LXXI., 77.]

By the Honourable

GEORGE CLARKE, Esq; Lieut. Governour and Commander in Chief of the Province of *New York*, and the Territories thereon depending, &c.

A PROCLAMATION

WHEREAS the General Assembly of the Province of *New York* stands Prorogued until this Day, being the last *Tuesday* of *March* Instant, I Have thought fit, for his Majesty's Service, by Virtue of the Powers and Authorities unto me granted by his Majesty. and by and with the advice and consent of his Majesty's Council, further to Prorogue the said General Assembly, until *Tuesday* the fifth Day of *April* now next ensuing, and the said General Assembly is hereby accordingly Prorogued, until the said fifth Day of *April* now next ensuing. Of which all his Majesty's Subjects are to take Notice, and govern themselves accordingly.

Given under my Hand and Seal at Fort George *in* New York *this* 29th *Day of* March, *in the Tenth year of the Reign of our Sovereign Lord* George *the Second, by the Grace of God, of* Great Britain, France *and* Ireland, *King Defender of the Faith*, &c. *Annoq; Dom.* 1737.

GEO. CLARKE

By his Honour's Command,
Fred. Morris, *D. Secry.*

God save the KING

TWENTIETH ASSEMBLY TENTH SESSION.

Att a Session *of the* Council *and* General Assembly *began at the City Hall in* New York, *on* Tuesday *the* 5th *day of* April, 1737.

His Honor the Lieutenant Governor having by proclam^n dated the 29th day of March last further prorogued the General Assembly of this Province untill this day

The Council met at the Council Chamber at the City Hall

PRESENT — *The Honorable* CADWALLADER COLDEN, Esqr, Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DAN^l HORSMANDEN, Esquires.

The Speaker took the Chair

A Message by the Deputy Secretary accquainting the Council, That His Honor having been for above a month past laid up with the Gout and confined to his House, He was unable to go abroad to meet them at the Council Chamber at the City Hall, He therefore requested the Gentlemen of the Council wo'd be pleased to attend him at the Council Chamber in the ffort

And the Gentlemen of the Council went accordingly

The Council being met there the General Assembly attended

And His Honor made a Speech to the Council and General Assembly

After which the Gentlemen of the Council returned to the Council Chamber at the City Hall

PRESENT as before

The Speaker having resumed the Chair He informed the Council that His Honor had delivered to him a copy of his speech

Ordered, the Speech be read

Which having been read Mr Chief Justice in his place moved that the Council sho'd address his Honor & return him their thanks for his Speech, to express their grateful sentiments of his Honor's prudent Administration and the present tranquillity of the province, to assure him that they will unanimously, and with the utmost chearfullness concurr in all measures, which may conduce to the forwarding and putting in execution the several Important matters therein recommended, so manifestly tending to the peace and prosperity of the Province, and to the rendering us a Happy and fflourishing people

Which motion being unanimously agreed to

Ordered, that the Chief Justice, Mr Lane and Mr Horsmanden be a Committee to prepare a Draught of an Address accordingly

His Honor's Speech which he delivered to the Council and Assembly is in the words following vizt

Gentlemen,

The season of the year having obliged me to put an End to your last Session before severall matters by me recomended to you, were provided for; you came to a Resolution before you broke up, to take them into consideration and to give them their due weight at your next meeting, and I hope you are now come together with Resolutions to make good your Engagements, Both his Majesties Honor and service, and the happyness and prosperity of the Province require it of you

You will see by the Treasurer's Accounts that there is a great Deficiency of the Revenue, under which not only the officers of the Government groan, but their Creditors also suffer extreamly; This is a debt contracted during this present Assembly by the Insufficiency of the ffunds given for support of Government, and 'tis but reasonable to expect from you such speedy provision as may soon and effectually pay it, Your own Honor is plighted for it, and I am perswaded that you will not leave that to be done by another Assembly, which you ought to do yourselves, nor suffer a Debt to grow greater, which you have the power and opportunity to discharge, The Eyes of the Province are upon you expecting a speedy Event, and I assure myself that you will make all your actions of a piece with your beginning, Honourable and worthy, befitting your characters of Dutiful, Affectionate and Loyal subjects, to the best of Kings, whom God long preserve

The Determination of the present Revenue drawing nigh I earnestly recommend it to you to give a further and Honourable Revenue to his Majesty for the Support of his Government, nor do I doubt of your chearfullness to do it, I hope however that you will take some methods to

ease the merchant that the whole Burthen may not lye on Trade. It is necessary and the Planters will soon find the benefitt of it, ffor it is on the Increase and fflourishing condition of Trade that they must grow Rich

I recommended to you the last Session to give some proper encouragement for raising of Hemp and promoting of Ship Building, I now add to them that of Iron ; They are things that deserve your utmost attention and call for a speedy help

I recommended likewise to you the ffort in the Mohawks Country, The House at Oswego and the new ffortifications, The ffirst is tumbling down, The second in a ruinous condition, The third calls for the ffinishing Hand, and all require your effectual and Immediate care

These being things that his Majesties Honor and service, and the Defence security and Prosperity of the Province, require at your Hands, I perswade myself that you will now chearfully and effectually provide for them, and that you will likewise give a sum sufficient to put in good repair that part of the Barracks in his Majesties ffort in this Town, which were left unfinished when the rest of the Barracks were repaired

The Artificers complain and with too much reason of the pernicious custom of breeding Slaves to Trades, whereby the honest and Industrious Tradesmen are reduced to poverty for want of employ, and many of them forced to leave us to seek their Living in other Countrys, It deserves your consideration and I hope will receive a present remedy

Gentlemen,

We have the pleasure to see peace restored to this once divided Province, and I hope that by your assistance I shall be able to put it in a more fflourishing and prosperous condition than ever it has been, my best endeavour shall be directed to it, and I make no doubt that you are met with Resolutions to contribute every thing in your power towards it

You have it now in your power to sett on foot, to encourage, to raise and to carry to a great Height several commoditys that are wanted in England, such as will employ great numbers of people here, give life and vigour to your declining Trade and Navigation, raise the Price of Lands, enrich the ffarmer make you usefull to your Mother Country and strongly recommend you to His Majesties grace and favour, and I promise myself that you will not let slip the present opportunity

Whatever else is necessary for the Prosperity of the Province, wherein my concurrence may be given, you may assuredly expect from me. Let your actions be guided by moderation, Let the Publick Good have the ffirst and principal place in your Deliberations, and then your Country may hope to see themselves raised from their present condition to an Height of Riches and felicity as yet unknown to them

GEO. CLARKE

The Council adjourned 'till to morrow at four o'clock in the afternoon

Wednesday the 6th April, 1737.

The Council met according to adjournment

PRESENT — *The Honorable* CADWALLADER COLDEN, Esqr, Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esq^rs.

The Speaker took the Chair

Ordered, that Letters be sent to the absent members of the Council requiring their Immediate attendance

Then the Council adjourned 'till to morrow 11 o'clock in the forenoon

Thursday the 7th April, 1737.

The Council met according to adjournment

PRESENT — *The Honorable* CADWALLADER COLDEN, Esqr, Speaker,
ARCHIBALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANl HORSMANDEN, Esqrs

The Speaker took the Chair

The Draught of an Address was brought in according to order and read and agreed to *nemine contradicente*

Ordered, that the Chief Justice and Mr Lane do wait on the Governor to know when he will be pleased to have the Council attend him with their address

Mr Chief Justice and Mr Lane being returned reported that they had waited on His Honor and that he was ready to receive the Council Immediately

The Council accordingly attended and presented their Address in these words

To the Honourable GEORGE CLARKE Esqr Lieutenant Governor and Commander in Chief of the Province of *New York* and the Territoryes thereon depending &c

The Humble ADDRESS of his Majestys Council for the Province of *New York*.

May it please your Honor,

We the members of his Majesty's Council return our most sincere thanks for your Honor's Speech, so affectionate towards the People of this Province

We are perswaded your Honor has no doubt of our hearty Dispositions to concurr in making up the Deficiencys in his Majesty's Revenue; our Duty to the best of Kings, the security and advantage of his people here, and the publick ffaith and Honor, which ought ever to be held sacred and inviolable require it of us

The People of this Province must with great pleasure observe the zeal your Honor has shewn on all occasions, for their interest and prosperity, and more particularly at this time, by proposing to the consideration of the Legislature the setting on foot such Branches of Trade & manufactures as are most likely to be beneficial to our selves, in the advancement of our own Riches, and making us most useful to our Mother Country. We Assure you Sir We will with the utmost zeal and chearfulness take those Important matters you have recommended, unto our most serions Deliberations, That your Honor's just endeavours for putting this Province into more happy and fflourishing circumstances than ever it has been, may become successful and effectual

Every one that has the least apprehension of the miseries a Country is exposed to by evil Dissentions, and the happyness of peace and Tranquillity under the conduct of a Governor whose views are so manifestly calculated for securing the Rights and Liberties of the People, under his care, and in all respects directed to their wellfare and Prosperity, cannot but be sensible of the good effects of your Honor's prudent administration.

We assure you, Sir, It shall be our Chief Endeavour during your continuance in your High Station over us That your past cares and sollicitudes for the publick weal may be fully recompenced by the pleasure and satisfaction you may receive in Governing a people rejoicing in the sense they have of their Happyness

By order of the Council
CADW. COLDEN, Speaker

To which His Honor was pleased to make the following answer

Gentlemen,

I thank you heartily for this kind Address, and am fully perswaded of your zeal for his Majesties service and for the happyness and Prosperity of the Province, and perfectly assured of your concurrence in all things that may promote either. I have no other views in my administration than his Majesty's Honor and service, and the quiet and felicity of his subjects My utmost endeavours shall always be directed to those ends, and I have great reason to hope for success from your Council and assistance

GEO. CLARKE

The Council being returned to the Council Chamber

The Speaker resumed the Chair

Ordered, that their Address with his Honor's Answer be forthwith printed

Ordered, that the Treasurer do forthwith lay before the Council a compleat account of the present state of his Majesties Revenue and that the Clerk do serve him with a copy hereof
Then the Council adjourned 'till Thursday next 11 o'clock in the forenoon

Thursday the 14th *April*, 1737.

The Council met according to adjournment

PRESENT — *The Honorable* CADWALLADER COLDEN, Esqr, Speaker,

ARCHIBALD KENNEDY,
JAMES DE LANCEY.
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker took the Chair
Ordered, that the Speaker have leave to be absent for some time his necessary affaires in the Country requiring his Immediate attendance there
Then the Council adjourned 'till Thursday next at 11 o'clock in the fforenoon

Thursday the 21st *April*, 1737.

The Council met according to adjournment

PRESENT — *The Honorable* CADWALLADER COLDEN, Esqr, Speaker,

JAMES DE LANCEY,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair
The Council adjourned 'till Tuesday next at 10 o'clock in the fforenoon

Tuesday the 26th *April*, 1737.

The Council met according to adjournment

PRESENT — *The Honorable* PHILIP LIVINGSTON, Esqr, Speaker,

PHILIP CORTLANDT,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair
The Council A ljourned 'till Tuesday next at 10 o'clock in the fforenoon

[IN EXECUTIVE SESSION]

April 28th, 1737

It appearing by the votes of the General Assembly now layd before the Board that they had not made good the Deficiencys of the Revenue for the Support of his Majesty's Government in this Colony according to the Act of Assembly and their own resolves for that purpose, and had voted that the moneys to be raised for making good such Deficiencys sho'd be appropriated in such manner as by Bill sho'd be directed and appointed. His Honor was therefore pleased with the unanimous advice of his Majesty's Council to prorogue the said General Assembly until Tuesday the third day of May next and
Ordered, that a Proclamation do issue accordingly

Tuesday the 3d May, 1737.

His Honor the Lieutenant Governor having by Proclamation of the 28th of April last prorogued the General Assembly until this day

The Council met accordingly

PRESENT — *The Honorable* ABRAHAM VAN HORNE, Esqr Speaker,

PHILIP LIVINGSTON,
ARCHIBALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

Speaker assumed the Chair

The Deputy Clerk and Door keeper of the Council having each of them respectively attended that Service the number of Seven days during this Session It is

Ordered, that the Speaker of the Council do issue his Certificate for that purpose requesting His Honor that a Warrant may be drawn on the Revenue for paying to the Deputy Clerk twelve Shillings for each day and to the Doorkeeper of the Council Six Shillings for each day

The General Assembly Sent a Message by their Clerk to acquaint the Council that their House were met On which the Council Sent a Message by the Deputy Clerk to His Honor the Lieutenant Governor to Acquaint him that the Council were met

Who being returned reported that His Honor by reason of the Gout being unable to go abroad to meet them at the Council Chamber in the City Hall He therefore requested the Council wo'd attend him at the Council Chamber in the ffort

The Council accordingly attended

And the General Assembly likewise attending His Honor addressed himself to the General Assembly As follows

Gentlemen,

Your Solemn promises (in the repeated Resolves of your House) to make good the Deficiencys of the Revenue, obliged me to give you an Opportunity of performing them, and at the Same time of making such Laws as are much wanted to rescue this Province from it's declining Condition, and to put it in a more flourishing State; they are equally necessary, and ought to go hand in hand, but Since you have not made the proper use of that opportunity but have passed Some Resolves highly derogatory to his Majesties Honor and just Prerogative, which I am bound to maintaine and Support, I am no longer constrained to delay my gratifying the Desires of the people with a new choice of Representatives. Sooner I could not do it without Subjecting myself to censure, I have therefore thought fitt now to DISSOLVE you, And I do Accordingly DISSOLVE you.

TWENTY-FIRST ASSEMBLY FIRST SESSION

Att a Session *of the* Council *and* General Assembly *began at the City Hall in* New York, *on* Wednesday *the* 15th *of* June, 1737.

His Honor the Lieutenant Governor having dissolved the late General Assembly, and Writts having been issued for choosing a new one to meet on this day

The Council met at the Council Chamber in the City Hall

PRESENT — *The Honourable* ABRAHAM VAN HORNE, Esqr, Speaker,

ARCHIBALD KENNEDY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair

His Honor attended as usual being Come to the Council Chamber in the City Hall sent a Message by the Deputy Clerk of the Council to the General Assembly that His Honour required their Immediate attendance in order to be Sworn

Eighteen of the members accordingly attended & were Sworn After which His Honor desired them to return to their House to choose a Speaker and present him to His Honor for his approbation

Alderman Johnson and Coll Matthews brought a Message from the Assembly that they had elected a Speaker and were ready to wait upon His Honor when he pleased.

To which His Honor Said, Immediately

After which Coll Chambers accquainted his Honor that they had chosen Coll Lewis Morris Junr their Speaker

Then the House waited upon His Honor and presented their Speaker to him, whom his Honor approved of and then His Honor made a speech to them in these words

Gentlemen,

As his Majesties Honor and the true Interest and prosperity of the Province which I have most warmly at Heart, were prevailing motives with me to dissolve the last Assembly; I am highly pleased that the people have made the right use of the opportunity I gave them, in choosing such Gentlemen to represent them, as I am firmly perswaded, come with resolutions to answer those great ends of their Election

The approaching Harvest forbidding me to expect you could at this time sitt to do buisyness, I take that opportunity to meet the six Nations at Albany to renew the Covenant Chain, and to endeavour to prevail with the Sinneca's, to revoke a promise of leave, which they have unjustly and unadvisedly given to John Cœur a ffrenchman of Canada to build an House in their Country at Tierondequat a place, which if possest by the ffrench will enable them to intercept all the Western ffurr Trade in it's way to Oswego At present therefore I have nothing to recommend to you but this, That every one in his respective station and County may endeavour to carry to perfection the good Harmony that is allready happily begun in the Province to which nothing shall be wanting on my part, And I assure myself of the utmost success from your assistance

GEO CLARKE

The Council adjourned 'till to morrow at 12 o'clock in the fforenoon

Thursday the 16th *June*, 1737.

The Council met according to adjournment

PRESENT — *The Honorable* ABRAHAM VAN HORNE, Esqr, Speaker.

PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair

His Honor being obliged to go to Albany to meet the Six Nations of Indians there, and having directed the General Assembly to adjourn themselves to the ffourth Tuesday in August next

The Council therefore adjourned 'till the said ffourth Tuesday in August

Friday the 2^{d} *Sep*^{r}, 1737.

The Council met

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

ARCHIBALD KENNEDY,
JAMES DE LANCEY,
HENRY LANE,
DAN^{l} HORSMANDEN, Esq^{rs}.

The Speaker assumed the Chair

His Honor the Lieutenant Governor being come into the Council Chamber sent a Message by Frederick Morris Deputy Clerk of the Council to the General Assembly requiring their Immediate attendance at the Council Chamber

The General Assembly accordingly attending His Honor made a speech and delivered a copy thereof to the Speaker of the Council and another copy to the Speaker of the General Assembly After which His Honor returned to the ffort

Then the Speaker resumed the Chair

Ordered, that the Speech be read

Which having been read

Ordered, that the same be entred in the Minnitts and is in the words following vizt

Gentlemen,

With pleasure I perceive by the Resolves of your House in June, that you did in your Short Sitting of two days enter in part upon the consideration of the present State and circumstances of the Province. This Early begining has prevented my Recommending several things to you, and gives me hopes that the future course of your proceedings will be directed to his Majestys Honour and the true Interest of the Province; When they are Joyntly considered as they ought to be Inseperable, We may promise ourselves the Utmost felicity; Every mans private Interest must partake of Publick Blessings, and that small portion that I have among you, will naturally lead me to grant everything that may promote the Common good Everything that is in my power to Grant, more than that you are too reasonable to expect, nor can I give into without departing from my Duty to His Majesty and Betraying the Trust Reposed in me, nor can you receive any benefit by it, could I be drawn to Such a Conduct, since all your Bills are subject to his Majestys Disallowance; my Duty, my Honour and my Inclination bind me both to a strick Obedience of his Majestys Just Commands and Royal Instructions, to maintain and Support his Rightfull Prerogative and to the proper administration and right end of Goverment in protecting his Majestys Subjects of this Province in the full enjoyment of their Civil and Sacred rights & Libertys wherein it shall be my constant Study & unwearyed Endeavour to persevere

The Deficiencyes of the Revenue under which the officers of the Goverment and their Creditors groan call for your early attention, and from your Justice and Honour I hope to see Speedy and Ample provision made for them

The well known Loyalty of this Province to the Crown and their Zealous affection to His present Majesty, the Best of Kings, and his Royall and Illustrious House have appeared conspicuous on every occasion and in nothing more than in the Support of Goverment, which the Assembly have at all times given to his Majesty, and I assure my self that your Loyalty Zeal and Affection are nothing short of theirs who have gone before you. In this Confidence I do with most assured hopes of Success earnestly Recommend to you to give to His Majesty a further and Honourable Revenue for the Support of his Goverment, such and for such time at least as former Assemblys have given Wherein I hope that a due regard will be had to Trade.

The House at Oswego is in a ruinous condition and wants a present and thorough repair I daily expect a more particular account of it's present condition from the officer whom I have sent to Command there, and when I receive it, I will order it to be layd before you, that you may the better Judge of the sum it will require to repair it. It is a place of great Importance to the Furr Trade, which under a better œconomy may be carryed to a greater extent and I hope you will make further Provision for the Support & Maintenance of the House and Garrison

When I went to Albany to meet the Six Nations I was not without hopes of getting them to revoke the Promise of leave which they had given to the French Interpreter to build an House at Tierondequat in the Sinneca's Country and of obtaining from them an absolute conveyance of some Land to build a ffort on in that place, and of as much more as might be sufficient to raise provision for the Victualling that Garison and Oswego too, which would save the Country much money and secure to us the ffidelity of the Six Nations in all events How I have Succeeded in part and how in other parts my Intentions have been Defeated, will appear by the Papers which I shall order to be layd before you, all that I could then do was to send the Interpreter, A Smith

and three other men to the Sinneca's Country there to reside the ensuing year to keep the Indians steady to their promise not to suffer any ffrenchman to build in their Countrey, and I hope you will make suitable provision for that expence

Fort Hunter in the Mohawks Country is Tumbling down and that part of the Barracks in Fort George which for want of money was left unfinished when the rest of the Barracks were repaired will Soon be in as bad a Condition, if Some Care be not Speedily taken to repair it. I therefore earnestly recommend them to your present consideration, as I do likewise the new Fortifications which want the finishing hand

Whatever else you may Judge necessary for the Tranquillity Prosperity and Security of the Province wherein my Concurrence may be necessary and which I may Safely give, you may with Confidence Expect for it will be an inexpressable pleasure to me to See Trade, Navigation and Ship Building increase and flourish Manufactures that may be use full to Great Britain and Beneficiall to the Province, sett on foot and Carryed to perfection The Country replenished with White people and a general benevolence and Harmony take place again throughout the Province These are things that are much wanted and universally wished for, hitherto neglected or not enough thought of, for want of that publick spirit which is absolutely necessary to make a Country fflourish, They are greatly in your power, and if the good understanding that is happily begun, continues to Subsist between the Several parts of the Legislature, as I hope it will, I make no doubt but the Province will soon reap the Fruits of it, and find their Expectations (from the Choice they have made of you their Representatives) fully Answered, Posterity feel the happy effects of it, and We shall all Recommend ourselves to his Majestys grace and Favour, who makes the happyness of his people his first Care and greatest Glory

GEO CLARKE

2d *September* 1737

Ordered, that his Honour's Speech be taken into Consideration on Wednesday next
Then the Councill adjourned till Wednesday next at 10 o'clock in the morning

Wednesday the 7th *Sept*r, 1737.

The Council met According to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

ARCHIBALD KENNEDY,
JAMES DE LANCEY,
PHILIP COURTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair
Ordered, that his Honour's Speech be further Considered as Occasion may require
Then the Council adjourned till to morrow morning 10 o'clock

Thursday the 8th *Sept*r, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

ARCHIBALD KENNEDY,
JAMES DE LANCEY,
PHIL COURTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair
Ordered, that the Deputy Clerk of the Council do write to the absent members requiring their Immediate attendance
Then the Council adjourned till to morrow morning

Fryday the 9th *Septr*, 1737.

The Council met according to adjournment

PRESENT — *The Honorable* CADWALLADER COLDEN, Esqr, Speaker,

ARCHIBALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLAND,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair
Then the Council adjourned till Thursday next at 10 o'clock in the morning

Thursday, 15th *September*, 1737.

The Council met according to adjournment

PRESENT— *The Honorable* CADWALLADER COLDEN, Esqr, Speaker,

Mr CHIEF JUSTICE,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs,
Mr SURVEYOR GENERAL.

The Speaker assumed the Chair
Then the Council adjourned till to morrow morning at 11 o'clock

Fryday the 16th *September*, 1737.

The Council met according to adjournment

PRESENT — *The Honorable* CADWALLADER COLDEN, Esqr, Speaker,

ARCHIBALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs,
Mr SURVEYOR GENl.

The Speaker assumed the Chair
The Council adjourned till Tuesday next at 11 o'clock

Tuesday the 20th *September*, 1737.

The Council met according to adjournment

PRESENT— *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

HENRY LANE,
DANIEL HORSMANDEN, Esqrs,
Mr SURVEYOR GENERAL.

The Speaker assumed the Chair
The Council adjourned til Thursday next at 11 o' in the morning

Thursday the 22nd *September*, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqrs, Speaker,

ABRAHAM VAN HORNE,
ARCHIBALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
DANIEL HORSMANDEN, Esqrs,
Mr SURVEYOR GENERAL.

The Speaker assumed the Chair
A Message from the Assembly by Mr Johnson with the Bill entituled, An Act for the ffrequent Elections of Representatives to serve in General Assembly and for the frequent meeting of the General Assembly so elected Desireing the Concurrence of the Council thereto
Ordered, that the said Bill be Read
Then the Said Bill was read the first time and
Ordered a Second Reading
The Council adjourned till Tuesday next at 10 o' in the morning

Tuesday the 27th *September*, 1737.

The Council mett according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

JAMES DE LANCEY,
DANIEL HORSMANDEN, Esqr,
Mr SURVEYOR GENERAL.

The Speaker assumed the Chair
The Council adjourned till Fryday next at 10 o' in the morning

Fryday the 30th *September*, 1737.

The Councill met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

HENRY LANE, Esqr,
Mr SURVEYOR GENERAL.

The Speaker assumed the Chair
Then the Council adjourned till Tuesday next at 10 o'clock in the morning

Tuesday the 4th *of October*, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

ARCHABALD KENNEDY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair
A Message from the Assembly by James Alexander Esqr with the Bill Entituled, An Act to Enable the General Assembly or House of Representatives of this Colony for the time being

to name constitute and appoint and pay one or more agent or agents to sollicit the publick affairs of this Collony at the Court of Great Brittain Desireing the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time and

Ordered a second reading

A Message from the Assembly by Coll° Phillip Schuyler with the Bill Entituled, An Act for the further continuing of An Act Entituled, An Act for settling and regulating the Militia in this province, and making the same usefull for the security and Defence thereof and for repealing all other Acts relating to the same, as likewise the several Acts whereby the same has been revived and Continued Desireing the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time and

Ordered a second reading

A Message from the Assembly by Mr Philipse in behalf of Coll° Renslaer with the Bill Entituled, An Act for Naturalizing Johannes Lorents Carstens Desireing the concurrence of the Council thereto, Coll° Renslaer who by the Assembly was ordered to Bring in the said Bill being sick

Ordered, that the said Bill be read

Then the said Bill was read the ffirst time.

After which it was

Ordered, that upon all Private Bills for the future to be Presented to this House the Party or Partys for whose use or benefitt such Bill or Bills is or shall be intended, shall before the second Reading thereof be ordered, make his or their application to the Council by Petition setting forth the Reasons or motives for or on which they wo'd pray the Council to pass the same And that the Person or Persons who shall apply for the obtaining of any such Private Bill or Bills be acquainted or served with a copy of this order

Then the Council adjourned till to morrow morning at 11 o'clock

Wednesday the 5th of October, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

ARCHIBALD KENNEDY,
PHILIP CORTLANDT,
HENRY LANE, Esq^rs.

The Speaker assumed the Chair

Then the Council adjourned till to morrow morning at 11 o'clock

Thursday the 6th of October, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

ARCHABALD KENNEDY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esq^rs.

The Speaker assumed the Chair

The Petition of Johannes Lorents Carstens was Presented and Read Praying that this House wo'd be favourably pleased to pass their Assent to a Bill for Naturalizing him Past by the General Assembly and now lying before this House

On the Reading of which the Question was put

Whether the said Bill should be read a second time?

Which was carried in the affirmative

Ordered, that the said Bill be read a second time

A Message from the Assembly by Coll° Mathews with the Bill Entituled, An Act for the further continuing An Act Entituled, An Act to Let to farm the Excise on Strong Liquors retailed in this Colony for the time therein mentioned and for declaring Shrub liable to the same Duties as Distilled Liquors Desiring the concurrence of the Council thereto

Ordered, that the said Bill be read
Then the said Bill was read the first time and
Ordered a second reading
Then the Council adjourned till to morrow morning at 11 o'clock

Fryday the 7th of October, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

ARCHABALD KENNEDY,
PHILIP CORTLAND,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair
Then the Council adjourned till Tuesday next at 10 o'clock in the morning

Tuesday the 11th of October, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

ARCHABALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair
The Bill Entituled, An Act for the further Continuing An Act Entituled, An Act to Lett to farm the Excise on Strong Liquors retailed in this Colony for the time therein mentioned and for Declaring Shrub Liable to the same Duties as Distilled Liquors was read a Second time and committed
The Bill Entituled, An Act for Naturalizing Johannes Lorents Carstens was read a Second time and committed
The Council Resolved into a Committee to consider of the two aforegoing Bills
The Committee having duely weighed and considered of the same and being ready to make their Report thereon
The Speaker resumed the Chair
Ordered, that the said report be made Immediately
Then Mr Horsmanden Chairman of the Committee to whom the said two Bills were referred in his place Reported that the Committee had gone through the said Bills and had directed him to report the same without any amendments
Which Report on the Question being putt was agreed to and approved of
Ordered, That the said two Bills be read the third time
Then the Council adjourned till to morrow morning, 11 o'clock

Wednesday the 12th of October, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

ARCHABALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair
The two following Bills vizt The Bill Entituled, An Act for the further continuing An Act entituled, An Act to Let to farm the Excise of Strong Liquors retailed in this Colony for the time

therein mentioned and for declaring Shrub Liable to the same duties as Distilled Liquors, and The Bill Entituled, An Act for Naturalizing Johannes Lorents Carstens were read the third time

And the Question being put

Resolved, that the said two Bills do pass

Ordered, that the Deputy Clerk of the Council do acquaint The House of Representatives that the Council have passed the said two Bills without any amendments

The Bill Entituled, An Act for the frequent Elections of Representatives to serve in General Assembly and for the frequent meeting of the General Assembly so elected was read a second time and committed

The Bill Entituled, An Act to Enable the General Assembly or House of Representatives of this Colony for the time being to name constitute and appoint and Pay one or more agent or agents to sollicit the Publick Affairs of this Colony at the Court of Great Brittain was read a second time and committed

The Bill Entituled, An Act for the further continuing of An Act Entituled, An Act for setleing and regulating the Militia in this Province and making the same usefull for the security and Defence thereof and for repealing all other Acts relating to the same as likewise the severall Acts whereby the same has been revived and continued was read a second time and Committed.

Then the Council adjourned till Fryday next at 3 'oclock in the afternoon

Fryday the 14th *of October*, 1737.

The Council met according to adjournment

PRESENT— *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHABALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
DANIEL HORSMANDEN, Esqrs.

His Honour attended as usual came to the Council Chamber at the City Hall in order to give his assent to the two following Bills vizt

The Bill Entituled, An Act for the further continuing An Act Entituled, An Act to Let to farm the Excise of Strong Liquors retailed in this Colony for the time therein mentioned and for Declaring Shrub Liable to the same Duties as Distilled Liquors and

The Bill Entituled, An Act for Naturalizing Johannes Lorents Carstens and took his seat at the Council Board

Then his Honour sent a Message by the Clerk of the Council to the General Assembly requiring their Immediate Attendance in Order to their being Present at his Honours giving his Assent to the Said two Bills

The Assembly accordingly Attending with their Speaker His Honour gave his Assent to the Said two Bills

After which his Honour attended with the Gentlemen of both Houses and Caused the Said two Bills to be published at the City Hall

Then the Council returned to the Council Chamber

PRESENT as before

The Speaker resumed the Chair

A Message from the Assembly by Mr Philipse, Mr Ver Plank and Mr Johnson in the words following vizt

Die Jovis 13th *October* 1737

Whereas yesterday the Deputy Clerk of the Council brought a Message from the Council to Acquaint this House that the Council had passed the two Bills therein mentioned

And Whereas this House then Concieved that the delivery of such Messages in that method was an Innovation, therefore took the matter into Consideration until this day before this House would receive the Said Message

And upon a strict Examination had of that matter This House finds that the method and usage of delivering Messages to this House relating to the passing of Bills has heretofore been by the hands of one of the Council Except in three Instances that past unobserved towards the close of that Session of Assembly which ended in November last Wherefore it is

Resolved and *Ordered*, that Coll Philipse, Mr Ver Plank and Mr Johnson do deliver a Message to the Council Signifying that this House desires Satisfaction from the Council concerning the

said Innovation which this House concieves is to the Derogation of the Liberty of the General Assembly of this Colony

By order of the General Assembly
G Ludlow Cl

Which being read
Ordered, that the Speaker, Mr De Lancey, Mr Lane and Mr Horsmanden be a Committe to prepare an Answer thereto
Then the Council adjourned till Tuesday next at 4 o'clock in the Afternoon

Tuesday the 18th *of October*, 1737.

The Council met according to adjournment

Present — *The Honourable* Cadwallader Colden, Esqr, Speaker,

Archabald Kennedy,
James De Lancey,
Philip Cortlandt,
Henry Lane,
Daniel Horsmanden, Esqrs.

Mr Horsmanden (Chairman of the Committe appointed to prepare an Answer to a Message to this Board from the General Assembly of the thirteenth Instant) reported that the Committee having Considered of the same had directed him to Report their Answer thereto
Ordered, that the Answer to the said Message be read
Then the Answer was according read, and
The Question being put the Same was agreed to and approved of and
Ordered, that the same be entered in the minutes Which is in the words following vizt

18th *October* 1737

The Council taking into consideration the Message of the General Assembly of the thirteenth of October Instant, in Answer thereto say They shall be ready at all times to give the General Assembly the Satisfaction they desire That the Council thought it reasonable that when they were only to acquaint the General Assembly that they had Concurr'd with anything the General Assembly had desired of them that in such case the Council thought it Sufficient to Inform the General Assembly thereof by the Clerk of the Council Which method the Council concieve to be in no wise derogatory to the Liberty of the General Assembly

By Order of the Commēe
D Horsmanden

Ordered, that the Clerk do carry the said Answer to the General Assembly
Then the Council adjourned till Thursday morning at nine o'clock

Thursday the 20th *October*, 1737.

The Council met according to adjournment

Present — *The Honourable* Cadwallader Colden, Esqr, Speaker,

Archibald Kennedy,
James De Lancey,
Philip Cortland,
Henry Lane,
Daniel Horsmanden, Esqrs.

A Message from the Assembly by Mr Jones in behalf of Collo Philipse with the Bill Entituled, An Act to revive An Act Entituled, An Act to Amend the Practice of the Law and to Regulate the givin of Special Bail and to Explain part of the said Act (Collo Philipse who was ordered to bring in the said Bill being unable to attend) Desireing the concurrence of the Council thereto
Ordered, that the said Bill be read
Then the said Bill was read the ffirst time and
Ordered, a second reading

A Message from the Assembly by Mr Jones with the Bill Entituled, An Act to Restrain Tavern Keepers and Inholders from Selling Strong Liquors to Servants and Apprentices and from giving Large Creditt to others Desireing the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time and

Ordered a second reading

The Council resolved into a Committee to consider of the two following Bills vizt The Bill Entituled, An Act for the frequent Elections of Representatives to serve in General Assembly and for the frequent meeting of the General Assembly so Elected and

The Bill Entituled, An Act for the further continuing of An Act Entituled, An Act for Setling and regulating the Militia in this Province and making the same usefull for the Security and Defence thereof and for repealing all other Acts relating to the same as likewise the several Acts whereby the same has been revived and continued

The Committee having duely weighed and considered of the said two Bills and being ready to make there Report thereon when the Council would please to recieve the same

The Speaker resumed the Chair

Ordered, that the said Report be made Immediately

Then Mr Horsmanden Chairman of the Committee to whom the said two Bill were referred in his place reported that they had gone through the Bill Entituled, An Act for the frequent Elections of Representatives to Serve in General Assembly and for the frequent meeting of the General Assembly so elected had amended the Title thereof and made Several amendments to the body of the said Bill

Ordered, that the Amendments be read

Then the Amendments were read and on the Question being put were agreed to and approved of

Ordered, that the said Bill be read the third time as amended

Then the said Bill was read the third time and

The question being put

Resolved, that the said Bill as amended do pass

Ordered, that the Honourable Daniel Horsmanden Esqr do carry the said Bill with the amendments made by the Council thereto to the General Assembly and desire their Concurrence therewith

Mr Horsmanden in his place further reported that the Committee had gone through the Bill Entituled, An Act for the further continuing of An Act Entituled, An Act for setling and regulating the Militia in this Province and making the same usefull for the security and Defence thereof and for repealing all other Acts relating to the same as likewise the several Acts whereby the same has been revived and continued and had directed him to report the said Bill without any amendments

Which report on the Question being put was agreed to and approved of

Ordered, that the said Bill be read the third time

Then the said Bill was read the third time and

The Question being put

Resolved, that the said Bill do pass

Ordered, that the Clerk of the Council do accquaint the General Assembly that the Council have past the said Bill without any amendments

Then the Council adjourned till to morrow morning at 10 o'clock

Fryday the 21st *of October*, 1737.

The Council met according to adjournment

PRESENT— *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHABALD KENNEDY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esq^rs.

The Speaker assumed the Chair

The Bill entituled, An Act to Revive An Act Entituled, An Act to Amend the Practice of the Law and to regulate the Giving of Special Bail and to Explain part of the said Act was read the second time and committed

The Bill Entituled, An Act to restrain Tavern Keepers and Inholders from selling Strong Liquors to Servants and apprentices and from giving Large Credit to others was read a second time and committed

Then the Council adjourned till Tuesday next at 10' oclock in the morning

Tuesday the 25th *of October*, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHABALD KENNEDY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair
The Council adjourned till to morrow morning at 10 o'clock

Wednesday the 26th *of October*, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHABALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair
A Message from the Assembly by Mr Adolph Philipse with the Bill Entituled, An Act to Revive An Act Entituled, An Act to provide able Pilots and to establish their Pilotage between Sandy Hook and the Port of NewYork Desireing the concurrence of the Council thereto
Ordered, That the Said Bill be read
Then the Said Bill was read the first time and
Ordered a Second reading
A Message from the Assembly by Simon Johnson Esqr with the Bill Entituled, An Act to Revive An Act Entituled, An Act for the better preservation of Oysters and Power to make Sale of the Forfietures therein mentioned Desireing the Concurrence of the Council thereto
Ordered, that the Said Bill be read
Then the said Bill was read the first time and
Ordered a Second Reading
The Council Resolved into a Committe to Consider of the Bill Entituled, An Act to revive An Act Entituled, An Act to Amend the Practice of the Law and to regulate the Giving of Special Bail and to Explain part of the Said Act
The Committee having duely weighed and Considered of the Same and being ready to make their report thereon when the Council would please to receive the same
The Speaker resumed the Chair
Ordered, that the said Report be made Immediately
Then Mr Horsmanden Chairman of the Committee to whom the said Bill was referred in his place reported that the Committee had gone through the Said Bill and had directed him to report the same without any Amendments
Which Report on the Question being put was agreed to and approved of
Ordered, that the Said Bill be read the third time
Then the Said Bill was read the third time and the Question being put
Resolved, That the Said Bill do pass
Ordered, that the Clerk of the Council do Acquaint the General Assembly that the Council have past the said Bill without Any Amendments
A Message from the Assembly by Simon Johnson Esqr with the Bill Entituled, An Act for the frequent Elections of Representatives to Serve in General Assembly and for the frequent meeting of the General Assembly so elected Together with the amendments made by the Council thereto That their House have agreed to all the amendments made to the Said Bill except that Amendment mentioned in Page the 2nd Line the 5th from the word (unless) in the said 5th Line to the word (the) In the 8th Line Which amendment the General Assembly Cannot agree to
Ordered, that the said Message be taken into Consideration
Then the Council adjourned till to morrow morning at 10 o'clock

Thursday the 27th *of October*, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHABALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair

The Bill Entituled, An Act to revive An Act Entituled, An Act to Provide able Pilots and to Establish their Pilotage between Sandy Hook and the Port of New York Was read a Second time and Committed

The Bill Entituled, An Act to revive An Act Entituled, An Act for the better Preservation of Oysters and Power to make Sale of the forfietures therein mentioned was read a Second time and Committed

The Council Resolved into a Committee to Consider of the two following Bills vizt

The Bill Entituled, An Act to enable the General Assembly or House of Representatives of this Colony for the time being to name, constitute and appoint and pay one or more agent or agents to sollicit the Publick Affairs of this Colony at the Court of Great Brittain And

The Bill Entituled, An Act to Restrain Tavern Keepers and Innholders from Selling Strong Liquors to Servants and apprentices and from giving large Creditt to others

The Committee having duely weighed and considered of the same and being ready to make their Report thereon when the Council wo'd please to receive the same

The Speaker resumed the Chair

Ordered. that the said Report be made Immediately

Then Mr Horsmanden Chairman of the Committee to whom the said two Bills were referred in his place reported that they had gone through the Bill Entituled, An Act to Enable the General Assembly or House of Representatives of this Colony for the time being to name constitute and appoint and pay one or more Agent or Agents to Sollicit the publick Affairs of this Colony at the Court of Great Brittain and had amended the Title thereof and made Several amendments in the body of said Bill

Ordered, that the Amendments be read

Then the Amendments made to the said Bill were read and on

The Question being put

The same were agreed to and approved of

Ordered, that the said Bill be read the third time as amended

Then the said Bill was read the third time and

The Question being put

Resolved, that the said Bill as amended do pass

Ordered, that Mr Horsmanden do carry the said Bill with the Amendments made by the Council thereto to the General Assembly and desire their concurrence therewith

Mr Horsmanden in his place further Reported that the Comittee had gone through the Bill Entituled, An Act to restrain Tavern Keepers and Innholders from Selling Strong Liquor to Servants and Apprentices and from giving Large Creditt to others and had made some Amendments thereto

Ordered, that the Amendments be read

Then the Amendments made to the said bill were read and on

The Question being Put

The same were agreed to and approved of

Ordered, that the said Bill be read the third time as amended

Then the said Bill was read the third time and

The Question being Put

Resolved, that the said Bill as Amended do Pass

Ordered, that MrLane do Carry the said Bill with the Amendments made by the Council thereto to the General Assembly and desire their concurrence therewith

The Council taking into consideration the Message of the General Assembly of the 26th Instant That that House disagree to one of the amendments made by the Council to the Bill Entituled, An Act for the frequent Elections of Representatives to Serve in General Assembly and for the frequent meeting of the General Assembly so elected

On the Question being Put

Resolved, that the Council do adhere to all the amendments by them made to the said Bill

Ordered, that Mr Horsmanden do acquaint the Assembly therewith

Then the Council adjourned till to morrow morning at 10 o'clock

Fryday the 28th *of October*, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHABALD KENNEDY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair

Then the Council Resolved into a Committee to consider of the Following Bills vizt

The Bill Entituled, An Act to Revive An Act Entituled, An Act to Provide Able Pilots and to Establish their Pilotage between Sandy Hook and the Port of New York

And the Bill Entituled, An Act to Revive An Act Entituled, An Act for the better preservation of Oysters and Power to make sale of the forfietures therein mentioned.

The Committee having duely weighed and considered of the same and being ready to make their Report thereon when the Council wo'd please to recieve the same

The Speaker resumed the Chair

Ordered, that the said Report be made Immediatly

Then Mr Horsmanden Chairman of the Committee to whom the said two Bills were referred in his place reported that the Committee had gone through the Bill Entituled, An Act to revive An Act Entituled, An Act to Provide Able Pilots and to Establish their Pilotage between Sandy Hook and the Port of New York and had directed him to report the same without any amendments

Which Report on the Question being putt was agreed to and approved of

Ordered, that the said Bill be read the third time

Then the said Bill was read the third time and

The Question being Putt

Resolved, that the said Bill do pass

Ordered, that the Clerk of the Council do acquaint the General Assembly that the Council have Past the said Bill without any amendments

Mr Horsmanden further reported from the Committee that they had gone through the Bill Entituled, An Act to revive An Act Entituled, An Act for the better preservation of Oysters and Power to make sale of the Forfietures therein mentioned and had made an amendment thereto

Ordered, that the amendment made to the said Bill be read

Then the Amendment was read and on the Question being Put

The same was agreed to and approved of

Ordered, that the said Bill be read the third time as amended

Then the said Bill was read the third time and

The Question being Put

Resolved, that the said Bill do Pass

Ordered, that Mr Cortlandt do carry the said Bill with the amendment made by the Council thereto to the General Assembly and desire their concurrence therewith

Then the Council adjourned till Tuesday next at 10 o'clock in the morning

Tuesday the 1st *of November*, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHABALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair

A Message from the Assembly with the Bill Entituled, An Act to Enable the Justices of the Peace in that part of Orange County Lying to the Northward of the Highlands to build a

Court house and Goal in the said County at Goshan Desireing the Concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time and

Ordered a second reading

A Message from the Assembly by Coll° Beekman with the Bill Entituled, An Act to Divide Dutchess County into Precincts and to Repeal the Act therein mentioned Desireing the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time and

Ordered a second Reading

A Message from the Assembly by Simon Johnson Esqr in the words following

Die Vener 28th of *October* 1737

Ordered, that Simon Johnson Esqr do acquaint tho Council This House cannot agree to the amendments made to the Bill Entituled, An Act for the frequent Elections of Representatives to serve in General Assembly and for the frequent meeting of the General Assembly so elected and therefore desire a conference upon the subject matter thereof, and that they will appoint a committee of that Board and time and place to meet a Committee of this House for that Purpose

By order of the General Assembly
G. Ludlow Cl.

Ordered, that the Honourable Philip Livingston, James De Lancey and Daniel Horsmanden Esq^rs be a Committee to meet a Committee of the General Assembly on the subject matter of the said Message and that the Honourable Daniel Horsmanden do acquaint the General Assembly therewith and desire that they wo'd appoint a Committee of their House to meet the said Committee of the Council at the house of Mr Todd at 7 O'clock this Evening on the subject matter of their said Message

A Message from the Assembly by Mr Livingston with the Bill Entituled, An Act to Revive An Act Entituled, An Act for the better Preservation of Oysters and Power to make sale of the forfietures therein mentioned Together with the amendment made by the Council thereto That their House have agreed to the said amendment

Then the Council adjourned till to morrow morning at 11 o'clock

Wednesday the 2nd *November*, 1737.

The Council met according to adjournment

Present — *The Honourable* Cadwallader Colden, Esqr, Speaker,

Philip Livingston,
Archabald Kennedy,
James De Lancey,
Philip Cortlandt,
Daniel Horsmanden, Esq^rs.

The Speaker assumed the Chair

The Bill Entituled, An Act to divide Dutchess County into Precincts and to Repeal the Act therein mentioned was read a second time and committed

The Petition of sundry Freeholders and Inhabitants of the Precincts of Goshan and Minissinck in the County of Orange was Presented and read Praying the Council wo'd be Pleased to pass their Assent to a Bill for building a Court house and Goal for the said County at Goshan which was Past the General Assembly and now depending before the Council after which it was

Ordered, that the said Bill Entituled, An Act to Enable the Justices of the Peace in that part of Orange County Lying to the Northward of the highlands to build a Court house and Goal in the said County at Goshen be read a second time

Then the said Bill was read a second time and committed and

Ordered, that the consideration of the Petition above mentioned be referred to the said Committee

Mr Livingston from the Committee of the Council appointed to meet a Committee of the General Assembly to conferr on the Amendments made by the Council to the Bill Entituled, An Act for the frequent elections of Representatives to serve in General Assembly and for the frequent meeting of the General Assembly so elected Reported that they having met a Committee of the General Assembly at thetime and place for that Purpose appointed, The said Committee of

the General Assembly had by order of that House offered Reasons against their agreeing to the Amendments made to the said Bill Which being Read and the Question Put

Resolved, that the Council do adhere to their amendments

Ordered, that the Honourable Philip Livingston, James De Lancey and Daniel Horsmanden Esq^{rs} be a Committee to Draw up and Prepare in order to be laid before the Council an Answer to the Reasons offered by order of the General Assembly of the 1st Instant for their disagreeing to the amendments made to the said Bill

A Message from the General Assembly by David Jones Esqr with the Bill Entituled, An Act to Restrain Tavern Keepers and Innholders from Selling Strong Liquors to Servants and apprentices and from giving large Creditt to others Together with the Amendments made by the Council thereto That the General Assembly have agreed to the Amendments made to the Said Bill

Then the Council adjourned till to morrow morning at 11 o'clock

Thursday the 3^{d} *November*, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHABALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esq^{rs}.

The Speaker assumed the Chair

James De Lancey Esqr from the Committee appointed to Draw up and Prepare, in order to be Laid before the Council, an answer to the reasons offered by Order of the General Assembly for the disagreeing to the Amendments made by the Council to the Bill Entituled, An Act for the frequent Election of Representatives to Serve in General Assembly and for the frequent meeting of the General Assembly so elected Reported that the Committee having duely weighed and Considered of the Reasons offered by Order of the General Assembly for their not Agreeing to the said Amendments had directed him to report their answer thereto which having been read and the Question Put the same was agreed to and approved of and

Ordered, that the same be Entered in the Minnits which is in the words following vizt

The Council have desired this Conferrence upon the subject matter of the last Conferrence and have directed us to acquaint you that they do Agree that the City of New York is the usual and most Proper and Convenient place of meeting but that Notwithstanding they Cannot recede from their Amendment for the reasons following

1st Although the Council Concieve as the General Assembly That it ought not to be moved to any other Place without evident necessity Yet they think the restraint (as in the Bill unamended) improper and unnecessary because it Can scarce be immagined That the Assembly will at any time be removed from the City of New York but upon manifest and Cogent reasons as it would be very inconvenient not only to the Council and General Assembly but also to the Governour and would Doubtless occasion Difficulties which the Governour and Council would not willingly fall into

2dly Because the Council think it sufficient as by the Amendment Proposed to restrain the Governour for the time being from removing the General Assembly to Any other Place otherwise that by the advice of Council which now they may do without it

Lastly That if the Council should recede from their Amendment objected to by the General Assembly, The Clause as it would then Stand would Scarcely be Sence and the Council are Unwilling to Lett any Impropriety Pass in a Bill of so publick a Nature

Wherefore the Council have Commanded us to Let you know that they Do adhere to their Amendments

By Order of the Comittee
JAMES DE LANCEY

Then the Council adjourned till 3 o'clock in the After Noon

Thursday ye 3^d of November, 1737. P. M.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHABALD KENNEDY,
JAMES DE LANCEY,
DANIEL HORSMANDEN, Esq^rs.

The Speaker assumed the Chair

The Council Resolved into a Committee on the two following Bills vizt The Bill Entituled, An Act to Enable the Justices of the Peace in that part of Orange County Lying to the Northward of the Highlands to build a Court house and Goal in the said County of Goshan and

The Bill Entituled, An Act to divide Dutchess County into Precincts and to repeal the Act therein mentioned

The Committee having duely weighed and considered of the same and being ready to make their report thereon when the Council wo'd please to recieve the same

The Speaker resumed the Chair

Ordered, that the said Report be made Immediately

Then Mr Horsmanden Chairman of the Committe in his place Reported that they had gone through the Bill Entituled, An Act to Enable the Justices of the Peace in that part of Orange County Lying to the Northward of the high Lands to build a Court house and Goal in the said County at Goshen and had directed him to report the same without any amendments

Which Report on the Question being Put was agreed to and approved of

Ordered, that the said Bill be read the third time

Then the said Bill was read the third time and

The Question being Put

Resolved, that the said Bill do pass

Ordered, that the Clerk do acquaint the General Assembly That the Council have past the said Bill without any amendments

Mr Horsmanden in his place further reported from the Committee that they had gone through the Bill Entituled, An Act to divide Dutchess County into Precincts and to repeal the Act therein mentioned and had made some amendments thereto

Ordered, that the amendments be read

Then the amendments were read and on the Question being put were agreed to and approved of

Ordered, that the said Bill be read the third time as amended

Then the said Bill was read the third time and

The Question being Put

Resolved, that the said Bill as amended do pass

Ordered, that Mr Horsmanden do carry the said Bill with the amendments made by the Council thereto to the General Assembly and desire their concurrence therewith

Ordered, that the Honourable James De Lancey Esqr do acquaint the General Assembly that the Council desire a Present conferrence in the Court room on the subject matter of the last conferrence

A Message from the Assembly by M^r Le Counte that that House wo'd appoint a Committee to meet them in the Court room Immediately

Ordered, that the Honourable Philip Livingston, James De Lancey and Daniel Horsmanden Esq^rs be the mannagers on the subject matter of the said Conferrence

The Council recieved a Message from the Assembly that Captn Livingston, Mr Johannes Lott, Coll^o Mathews, Captn Peter Winne, Coll^o Renslaer and Mr Brat were appointed a Committee to meet a Committee of the Council in the Court room according to the above request of the Council

Then the Council adjourned during pleasure and the mannadgers went into the said conferrence and being returned reported that they had been to the conference and Delivered the Reasons

Then the Council adjourned till to morrow morning at 11 o'clock

Fryday the 4th of November, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHABALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esq^rs.

The Speaker assumed the Chair

The amendments made by the Council to the two following Bills vizt

The Bill Entituled, An Act to Restrain Tavern Keepers and Innholders from selling strong Liquors to Servants and Apprentices and from giving Large Creditt to others and

The Bill Entituled, An Act to revive An Act Entituled, An Act for the better Preservation of Oysters and Power to make sale of the forfietures therein mentioned

Having been agreed to by the General Assembly who desired the Council to amend the said two Bills accordingly

The said two Bills were accordingly amended in the Presence of the Council and the amendments affixed to each of the said Bills respectively

The amendments made by the Council to the Bill Entituled, An Act to divide Dutchess County into Precincts and to repeal the Act therein mentioned having been agreed to by the General Assembly who desired the Council to amend the said Bill accordingly

The said Bill was accordingly amended in the presence of the Council and the amendments affixed to the said Bill

A Message from the Assembly by Mr Ver Plank in the words following vizt

Die Jovis 3^d *November* 1737

Ordered, that Mr Ver Plank do wait upon the Gentlemen of the Council and acquaint them that the Reasons assigned by them for adhering to their amendments to the Bill Entituled, An Act for the frequent Elections of Representatives to serve in General Assembly and for the frequent meeting of the General Assembly so elected are not sattisfactory and therefore desire a free conferrence upon the subject matter thereof and that the Council will be pleased to appoint time and place for the same

By order of the General Assembly
G LUDLOW Cl

Mr Ver Plank withdrawing and being called in was acquainted That the Council agreed to a free conferrence and appointed 4 o'clock on Monday afternoon in the Court Room

Ordered, that the same Gentlemen who were managers at the last conferrence be likewise mannadgers at the free conferrence on Monday next

Then the Council adjourned til Monday next at 3 o'clock in the afternoon

Monday the 7th of November, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHABALD KENNEDY,
JAMES DE LANCEY,
HENRY LANE,
DANIEL HORSMANDEN, Esq^rs.

The Speaker assumed the Chair

The Council being Informed that the General Assembly were come to a free conferrence

The Council adjourned during pleasure and the managers went to the free conferrence

Which being ended the Council was resumed and M^r De Lancey Reported that the managers had attended the free conferrence and had Insisted on their Reasons for the Councils adhearing to their amendments with which the managers for the General Assembly seemed satisfied

Then the Council adjourned till to morrow morning at 11 o'clock

Tuesday the 8 *of November*, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHABALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
DANIEL HORSMANDEN, Esq^{rs}.

The Speaker assumed the Chair
Then the Council adjourned till to morrow morning 11 o'clock

Wednesday the 9th *of November*, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHABALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esq^{rs}.

The Speaker assumed the Chair
A Message from the Assembly by Mr Mott with the Bill Entituled, An Act for Establishing and Regulating Courts to Determine Causes of forty Shillings and under in this Colony Desireing the Concurrence of the Council thereto
Ordered, that the Said Bill be read
Then the said Bill was read the first time and
Ordered a Second Reading
A Message from the Assembly by Simon Johnson Esqr with the Bill Entituled, An Act for Setling Establishing and Regulating the Fees of the several officers within this Colony Desireing the Concurrence of the Council thereto
Ordered, that the Said Bill be read the next Sitting
Then the Council adjourned till to morrow morning at 10 o'clock

Thursday the 10th *of November*, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHABALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esq^{rs}.

The Speaker assumed the Chair
The Bill Entituled, An Act for Setling, Establishing and Regulating the Fees of the several Officers within this Colony was pursuant to order Read the first time and
Ordered a Second Reading
Then the Council adjourned till to morrow morning at 10 o'clock

Fryday the 11 *of November*, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHABALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esq^rs.

The Speaker assumed the Chair

The Bill Entituled, An Act for establishing and Regulating Courts to determine Causes of Forty shillings and under in this Colony was read a Second time and Committed

The Bill Entituled, An Act for Setling Establishing and Regulating the fees of the several Officers within this Colony was read a Second time and Committed

A Message from the General Assembly by Simon Johnson Esqr with the Bill Entituled, An Act for the frequent Elections of Representatives to serve in General Assembly and for the frequent meeting of the General Assembly so elected together with the amendments made by the Council thereto That their House have agreed to the Amendments and requesting the Council to amend the said Bill accordingly

Then the said Bill was accordingly amended in the Presence of the Council and the amendments likewise affixed to the Bill

Then the Council adjourned till Tuesday next at 10 o'clock in the morning

Tuesday the 15th *of November*, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHABALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esq^rs.

The Speaker assumed the Chair

A Message from the Assembly by Mr Ver Plank with the Bill Entituled, An Act for defraying the Comon and necessary Charge of the manner of Cortlandt in the County of Westchester Desireing the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time and

Ordered a second reading

Then the Council adjourned till to morrow morning at 11 o'clock

Wednesday the 16th *of November*, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHABALD KENNEDY,
PHILIP CORTLANDT, Esq^rs.

The Speaker assumed the Chair

Then the Council adjourned till to morrow morning at 10 o'clock

Thursday the 17th *of November*, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHABALD KENNEDY,
JAMES DE LANCEY, Esqrs.

The Speaker assumed the Chair
Then the Councill adjourned till to morrow morning at 10 o'clock

Fryday the 18th *of November*, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* PHILIP LIVINGSTON, Esqr, Speaker,

ARCHIBALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair
The Bill Entituled, An Act for defraying the Comon and necessary Charge of the Manner of Cortlandt in the County of Westchester was read a second time and committed.
Then the Council Resolved into a Committee to consider of the said Bill
The Committee having duely weighed and considered of the same and being ready to make their Report thereon when the Council wo'd please to recieve the same
The Speaker resumed the Chair
Ordered, that the said Report be made Immediately
Then Mr Horsmanden in his place Reported that the Committee had gone through the said Cill and had directed him to report the same without any amendments
Which Report on the Question being put was agreed to and approved of
Ordered, that the said Bill be read the third time
Then the Council adjourned till Tuesday next at 11 o'clock in the morning

Tuesday the 22nd *of November*, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHABALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair
The Bill Entituled, An Act for defraying the comon and necessary charge of the Manor of Cortlandt in the County of Westchester was read the third time and
The Question being put
Resolved, that the said Bill do pass
Ordered, that the Clerk of the Council do accquaint the General Assembly therewith
A Message from the Assembly by James Alexander Esqr with the Bill Entituled, An Act to Regulate the Elections of Representatives to serve in General Assembly Desireing the concurrence of the Council thereto
Ordered, that the said Bill be read
Then the said Bill was read the first time and
Ordered a second reading

A Message from the Assembly by Adolph Philipse Esqr with the Bill Entituled, An Act to prevent the further Importation of Copper money into this Colony Desireing the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time and

Ordered a second Reading

Then the Council adjourned till to morrow morning 11 o'clock

Wednesday the 23^d of November, 1737.

The Council met according to adjournment.

PRESENT— *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHABALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esq^rs.

The Speaker assumed the Chair

The Bill Entituled, An Act to Regulate the Election of Representatives to serve in General Assembly Was read a second time and Committed. On the Committment of which it is

Ordered, that it be an Instruction to the Committee to ffashon the Bill as near as may be agreeable to the Laws of England

The Bill Entituled An Act to prevent the further Importation of Copper money into this Colony was read a second time and committed

Then the Council Resolved into a Committee to consider of the said Bill

The Committee having duely weighed and considered of the same and being ready to make their report thereon when the Council wo'd please to recieve the same

The Speaker resumed the Chair

Ordered, that the said Report be made Immediately

Then Mr Horsmanden Chairman of the Committee in his place reported that the Committee had gone through the said Bill and had directed him to Report the same without any Amendments

Which report on the Question being Put was agreed to and approved of

Ordered, that the said Bill be read the third time

Then the Council adjourned till to morning at 11 o'clock

Thursday the 24th November, 1737.

The Council met according to adjournment

PRESENT— *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHABALD KENNEDY,
PHILIP CORTLANDT,
DANIEL HORSMANDEN, Esq^rs.

The Speaker assumed the Chair

The Council Resolved into a Committee to consider of the Bill Entituled, An Act for Establishing and Regulating Courts to Determine causes of Forty Shillings and under in this Colony

The Committee having duely weighed and considered of the same and being ready to make their report thereon when the Council wo'd please to recieve the same

The Speaker resumed the Chair

Ordered, that the said Report be made Immediately

Then Mr Horsmanden Chairman of the Committee in his place reported that they had gone through the said Bill and made several amendments thereto

Ordered, that the said Amendments be read

Then the Amendments were read and on the Question being put the same were agreed to and approved of

Ordered, that the said Bill be read the third time as amended

Then the said Bill was read the third time accordingly

Resolved, on the Question being put that the said Bill as amended do pass

Ordered, that Mr Cortlandt do carry the said Bill with the Amendments made thereto to the General Assembly and desire their concurrence therewith

The Bill Entituled, An Act to Prevent the further Importation of Copper Money into this Colony was read the third time and

The Question being Put

Resolved, that the said Bill do pass

Ordered, that the Clerk do acquaint the General Assembly that the Council have past the said Bill without any amendments

Then the Council adjourned till to morrow morning at 10 o'clock

Fryday the 25th *of November*, 1737.

The Council met according to adjournment.

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
JAMES DE LANCEY,
PHILIP CORTLANDT,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair

The Council went into a Committee to consider of the Bill Entituled, An Act to Regulate the Elections of Representatives to serve in General Assembly

And after some time spent therein

The Speaker resumed the Chair

Then the Council adjourned till Tuesday next at 11 o'clock in the morning

Tuesday the 29th *Novewber*, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHABALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair

A Message from the Assembly by Mr Mott with the Bill entitled, An Act for Establishing and Regulating Courts to Determine Causes of Forty shillings and under in this Colony together with the Amendments made by the Council thereto that their House have agreed to the said Amendments and requesting the Council to amend the said Bill accordingly

Then the said Bill was accordingly amended in the presence of the Council and the Amendments themselves likewise affixed to the Bill

A Message from the Assembly by Mr Turboss with the Bill Entituled, An Act for the better clearing and further laying out Publick High Roads in Dutchess County Desireing the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time and

Ordered a Second Reading

Then the Council adjourned till to morrow morning 11 o'clock

Wednesday the 30th *of November*, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHABALD KENNEDY,
JAMES DE LANCEY,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair

The Bill Entituled, An Act for the better Clearing and further laying out Publick high roads in Dutchess County was read a Second time and Committed

Then the Council Resolved into a Committee to Consider of the said Bill

The Committee having duely weighed and Considered of the same and being ready to make their Report thereon when the Council wo'd please to recieve the same

The Speaker resumed the Chair

Ordered, that the said Report be made Immediately

Then Mr Horsmanden Chairman of the Committee in his place reported that the Committee had gone through the said Bill and had directed him to report the same without any Amendments

Which Report on the Question being put was agreed to and approved of

Ordered, that the Said Bill be read the third time

Then the Council adjourned till tomorrow morning at 10 o'clock

Thursday the 1st *of December*, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHABALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair

Ordered, that the Honourable Cadwallader Colden and Philip Livingston Esqrs have leave to be absent their necessary affairs at Home requiring their Immediate attendance there

Ordered, that the Clerk of the Council do write a Letter to the Honourable Abraham Van Horne Esqr acquainting him with the request of this Board that he do give his Immediate attendance thereat

The Bill Entituled, An Act for the better Clearing and further Laying out Publick high Roads in Dutchess County was read the third time and

The Question being putt

Resolved, that the said Bill do pass

Ordered, that the Clerk of the Council do acquaint the General Assembly that the Council have passed the said Bill without any Amendments

Mr Horsmanden Chairman of the Committee to whom the Bill Entituled, An Act to Regulate the Elections of Representatives to serve in General Assembly &c in his place Reported that they had made some Progress therein and desired they might have leave to set again thereon

Then the Council adjourned till 3 o'clock in the Affternoon

Post Meridiem

The Council met according to adjournment

PRESENT — ut Ante Meridiam

The Speaker assumed the Chair

Then the Council adjourned till to morrow morning at 11 o'clock

Fryday the 2nd December, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHABALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair
Then the Council adjourned til Tuesday next at 10 o'clock in the morning

Tuesday, the 6th December, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

ARCHABALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair
A Message from the Assembly by Simon Johnson Esqr with the Bill Entituled, An Act for Lowering the Interest of money to Six ℔ Cent Desireing the Concurrence of the Council thereto
Ordered, that the said Bill be read
Then the said Bill was Read the first time and
Ordered a second Reading
A Message from the Assembly by Simon Johnson Esqr in the words following

Die Vener 2 December 1737

Ordered, that Simon Johnson Esqr do wait on the Council to know what Progress they have made in the Bill Intituled, An Act for Setling, establishing and Regulating the fees of the several officers within this Colony

By order of the General Assembly
G LUDLOW Clk.

On the delivery of which Message Mr Johnson was acequainted that the Council would return an Immediate Answer thereto, and being desired to wait for it, withdrew
The Council having considered of the said Message, agreed on the following Answer by them to be made thereto which being read and approved was ordered to be entered in the Minnitts and is in the words following vizt

That the Bill is under Committment, and the Council conceive it reasonable that when the ffees of the several officers are to be regulated, the officers sho'd give an Account of their respective services, and the ffees they now take for them, That the Council may Judge whether the fees are proportionable thereto Which with the multiplicity of other business will necessarily take up so much time that they are of opinion they shall not be able to go thro' it this Sessions
Mr Johnson being called in, The Speaker delivered him a copy of the above answer in writing
A Message from the Assembly by Captn Winne with the Bill Entituled, An Act for the further Encouragement of a publick School in the City of New York for teaching Latin, Greek & Mathematicks Desiring the concurrence of the Council thereto
Ordered, that the said Bill be read
Then the said Bill was read the 1st time and
Ordered a second reading
A Message from the Assembly by Major Mott with the Bill Entitled, An Act for the Preservation of Oysters in this Colony at and near Staten Island Desiring the Concurrence of the Council thereto
Ordered, that the said Bill be read

Then the said Bill was read the first time and
On the Question being put for a second reading It is
Ordered, that the same be rejected
Then the Council adjourned to 3 o'clock in the afternoon

Post Meridiem

The Council met according to adjournment

PRESENT — ut Ante Merid

The Council adjourned 'till to morrow morning 11 o'clock

Wednesday the 7th December, 1737.

The Council met according to adjournment

PRESENT — *The Honorable* CADWALLADER COLDEN, Esqr, Speaker,

ARCHIBALD KENNEDY,
JAMES DE LANCEY,
HENRY LANE,
DAN'L HORSMANDEN, Esq^rs.

The Speaker assumed the Chair
The Bill Entitled, An Act for lowering the Interest of Money to Six ℔ cent was read a second time and committed
The Bill Entitled, An Act for the further Encouragement of a publick School in the City of New York for teaching Latin, Greek and Mathematicks was read a second time and committed
A Message from the Assembly by Mr Hardenburgh with the Bill Entituled, An Act to Enable the Justices of the Peace in Ulster County to defray the Charges of building a Court House and Goal for the said County and to enable them to finish the same and for the defraying of other charges therein mentioned Desireing the concurrence of the Council thereto
Ordered, that the said Bill be read
Then the Bill was read the first time and
Ordered a second reading
Mr Horsmanden Chairman of the Committee to whom the Bill (Entituled, An Act to regulate the Elections of Representatives to Serve in the General Assembly and for repealing all former Acts relating thereto) was referred in his place reported That the Committee had gone through the said Bill and had made several amendments and added some clauses thereto
Ordered, that the Amendments and clauses be read
Which having been read and on the Question being Put agreed to and approved of
Ordered, that the said bill be read the third time as amended
Then the Council adjourned till to morrow morning at 10 o'clock

Thursday 8th Dec^r, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

ARCHABALD KENNEDY,
JAMES DE LANCEY,
HENRY LANE,
DANIEL HORSMANDEN, Esq^rs.

The Speaker assumed the Chair
The Bill Entituled, An Act to regulate the Elections of Representatives to Serve in the General Assembly and for Repealing all former Acts relating thereto was read the third time and
On the Question being put
Resolved, that the said Bill do pass

Ordered, that Mr Lane do carry the said Bill together with the amendments made by the Council thereto to the General Assembly and desire their concurrence therewith

Mr Horsmanden Chairman of the Committee to whom was Committed the two following Bills Viz^t

The Bill Entituled, An Act for Lowering the Interest of Money to Six ℔ cent and The Bill Entituled, An Act for the further Encouragement of a Publick School in the City of New York for teaching Latin Greek and Mathematicks in his place reported that the Committee had gone through the Bill Entituled, An Act for Lowering the Interest of Money to Six ℔ Cent and had made some amendments thereto

Ordered, that the amendments be read

Then the Amendments were read and on the Question being Put were agreed to and approved of

Ordered, that the Said Bill be read the third time as Amended

Mr Horsmanden in his place further reported from the Committee that they had gone through the Bill Entituled, An Act for the further Incouragement of a Publick School in the City of New York for teaching Latin, Greek and Mathematicks without any Amendments

Which report on the Question being put was agreed to and approved of

Ordered, that the said Bill be read the third time

The Bill Entituled, An Act to Enable the Justices of the Peace in Ulster County to Defray the Charges of Building a Court House and Goal for the said County and to Enable them to finish the same and for the Defraying of other Charges therein mentioned, was read a second time & Comitted

The Council Resolved into a Committee to Consider of the said Bill

The Committee having duely weighed and Considered of the Same and being ready to make their report thereon when the Council wo'd please to recieve the same

The Speaker resumed the Chair

Ordered, that the said Report be made Immediately

Then Mr Horsmanden Chairman of the Committee to whom the said Bill was referred in his place reported That they had gone through the said Bill and had directed him to report the same without any Amendments

Which report on the Question being put was agreed to and approved of

Ordered, that the said Bill be read the third time

Then the Council adjourned till to morrow morning at 10 o'clock

Fryday the 9th December, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

ARCHABALD KENNEDY,
JAMES DE LANCEY,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair

The Bill Entituled, An Act for Lowering the Interest of Money to Six Per Cent was read the third time as amended and on the Question being put

Resolved, that the said Bill do pass

Ordered, that Mr Horsmanden do Carry the said Bill with the Amendments made by the Council thereto to the General Assembly and desire their Concurrence therewith

The two following Bills vizt The Bill Entituled, An Act for the further Incouragement of a Publick School in the City of New York for Teaching Lattin, Greek and Mathematicks and the Bill Entituled, An Act to Enable the Justices of the Peace in Ulster County to Defray the Charges of Building a Court house and Goal for the said County and to Enable them to finish the same and for the defraying of other Charges therein mentioned were read the third time and

On the Question being put

Resolved, that the said two Bills do pass

Ordered, that the Clerk of the Council do acquaint the General Assembly That the Council have past the said two Bills without Any Amendments

A Message from the Assembly by David Jones Esqr with the Bill Entituled, An Act for Confirming An Agreement and Exchange of Lands in the Township of Oysterbay formerly made between Sampson Hawxhurst and John Pratt deceased and securing those claiming under them or either of them in their possessions and also to secure those in their possessions who hold Certain other Lands in the said Township which were formerly conveyed to the said Sampson by his brother William Hawxhurst Desireing the Concurrence of the Council thereto

Ordered, that the said Bill be read
Then the said Bill was read the first time and
Ordered a second reading
A Message from the Assembly by Simon Johnson Esqr with the Bill Entituled, An Act for Lowering the Interest of Money to Six ℔ Cent Together with the Amendments made by the Council to the said Bill that that House have agreed to the Amendments and requesting the Council to amend the said Bill accordingly
Then the said Bill was accordingly amended in presence of the Council and the amendments themselves likewise affixed to the said Bill
Then the Council adjourned till to morrow morning at 11 o'clock

Saturday, 10th *December*, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker
ARCHABALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
DANIEL HORSMANDEN Esq

The Speaker assumed the Chair
The Bill Entituled, An Act for confirming an Agreement and Exchange of Lands in the Township of Oysterbay formerly made between Sampson Hawxhurst and John Pratt deceased and securing those claiming under them or either of them in their Possessions and also to secure those in their Possessions who hold certain other Lands in the said Township which were formerly conveyed to the said Sampson by his brother William Hawxhurst, was read a second time and committed
A Message from the Assembly by Col^o Schuyler with the Bill Entituled, An Act to defray the necessary and contingent charges of the Garrison of Oswego Repaireing the same and for the better regulating the Furr Trade Desireing the concurrence of the Council thereto
Ordered, That the said Bill be read
Then the said Bill was read the first time and
Ordered a second reading
A Message from the Assembly by Mr Hardenburgh withthe Bill entituled, An Act to restrain Hawkers and Pedlers within this Colony from selling without Lycence Desireing the concurrence of the Council thereto
Ordered, that the said Bill be read
Then the said Bill was read the first time &
Ordered a second reading
Then the Council adjourned till Monday next at 11 o'clock

Munday, 12th *December*, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,
ARCHABALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
DANIEL HORSMANDEN, Esq^rs.

The Speaker assumed the Chair
The Bill Entituled, An Act to defray the necessary and contingent charges of the Garrison of Oswego Reparing the same and for the better regulating the furr Trade was read a second time and committed
The Bill Entituled, An Act to Restrain Hawkers and Pedlers within this Colony from selling without Lycence was read a second time and committed
Then the Council resolved into a Committee to consider of the said two Bills
The Committee having duely weighed and considered of the said two Bills and being ready to make their report thereon when the Council wo'd please to recieve the same
The Speaker resumed the Chair

Ordered, that the said Report be made Immediately

Then Mr Horsmanden Chairman of the Committee to whom the said two Bills were referred in his place reported that the Committee had gone through the said two Bills and had directed him to report the same without any amendments

Which Report on the Question being put was agreed to and approved of

Ordered, That the said two Bills be read the third time

A Message from the Assembly by Capt Winne with the Bill Entituled, An Act for Naturalizing Gustaph Martin Rhuell and twenty two others Desireing the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time and

Ordered a second reading

Then the Council adjourned till 4 o'clock P. M.

Munday, 12th *Decr*, 1737. P. M.

The Council met according to adjournment

PRESENT — ut ante mered

The Speaker Assumed the Chair

The two following Bills vizt The Bill Entituled, An Act to Defray the necessary and contingent charges of the Garrison at Oswego Repairing the same and for the better regulating the Furr Trade and The Bill Entituled, An Act to restrain Hawkers and Pedlars within this Colony from selling without Lycence were read the third time

And on the Question being put

Resolved, that the said two Bills do pass

Ordered, that the Clerk of the Council do Accquaint the General Assembly that the Council have past the said two Bills without any amendments

Mr Horsmanden Chairman of the Committee to whom was committed the Bill Entituled, An Act for confirming an Agreement and Exchange of Lands in the Township of Oysterbay formerly made between Sampson Hawxhurst and John Pratt deceased and securing those claiming under them or either of them in their Possessions and also to secure those in their Possessions who hold certain other Lands in the said Township which were formerly conveyed to the said Sampson by his brother William Hawxhurst) in his place reported That the Comittee had gone through the said Bill and had directed him to report the same without any amendments

Which Report on the question being put was agreed to and approved of

Ordered, that the said Bill be read the third time

Then the said Bill was read the third time and

On the Question being put

Resolved, that the said Bill do pass

Ordered, that the Clerk of the Council do accquaint the General Assembly that the Council have past the said Bill without any amendments

The Bill Entituled, An Act for Naturalizing Gustaph Martin Rhuel and Twenty two others was read a second time and committed

Then the Council Resolved into a Committee to consider of the said Bill

The Committee having duely weighed and considered of the same and being ready to make their report thereon when the Council wo'd recieve the same

The Speaker resumed the Chair

Ordered, that the said Report be made Immediately

Then Mr Horsmanden Chairman of the Committee to whom the said Bill was referred in his place reported that the Comittee had gone through the said Bill and had directed him to Report the same without any amendments

Which Report on the Question being put was agreed to and approved of

Ordered, that the said Bill be read the third time

A Message from the Assembly by Colo Matthews with the Bill Entituled, An Act to Prevent Damages by Swine in the County of Orange and some parts of Ulster County and for repealing all other Acts Concerning the same within the said County of Orange Desireing the Concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time and

Ordered a Second Reading

Then the Council adjourned till to morrow morning 10 o'clock

Tuesday, 13th *December*, 1737.

The Councill met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

ARCHABALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair

The Bill Entituled, An Act for Naturalizing Gustaph Martin Rhuel and Twenty two others Was read the third time and on the Question being put

Resolved, that the said Bill do pass

Ordered, that the Clerk of the Council do Accquaint the General Assembly that the Council have past the said Bill without Any Amendments

Ordered, that the Speaker of the Council have fourteen Shillings for each person mentioned in the above Act of Naturalization and the like fee on all Naturalization Bills hereafter to be brought to the Council for their Assent, for each Person in such Bill or Bills proposed to be Naturalized

The Bill Entituled, An Act to prevent Damages by Swine in the County of Orange and some parts of Ulster County and for repealing all other acts concerning the Same within the said County of Orange was Read a Second time and Committed

Then the Council resolved into a Committee to Consider of the said Bill

The Committee having duely Weighed and Considered of the same Bill and being ready to make their report thereon when the Council wo'd please to recieve the same

The Speaker resumed the Chair

Ordered, that the said Report be made Immediately

Then Mr Horsmanden Chairman of the Committee to whom the said Bill was referred in his place reported that the Committee had gone through the said Bill and had directed him to Report the Same without any amendments

Which Report on the Question being put was agreed to and approved of

Ordered, that the said Bill be read the third time

Then the Council adjourned till 4 o'clock P M

The Council met according to adjournment

PRESENT — ut ante merid

The Speaker assumed the Chair

The Bill Entituled, An Act to Prevent Damages by Swine in the County of Orange and some parts of Ulster County and for Repealing all other Acts Concerning the Same within the said County of Orange was read the third time and

On the Question being put

Resolved, that the Said Bill do pass

Ordered, that the Clerk do Acquaint the General Assembly that the Council have passed the said Bill without any Amendments

A Message from the Assembly by James Alexander Esqr with the Bill Entituled, An Act for Emitting Bills of Creditt for the Payments of the Debts and for the better Support of the Government of this Colony and other Purposes therein mentioned Desireing the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time and

Ordered a second reading

A Message from the Assembly by Mr Ver Plank with the Bill Entituled, An Act to ffacilitate and Explain the Duty of the Loan Officers in this Colony Desireing the concurrence of the Colony thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time and

Ordered a Second Reading

Then the Council adjourned till Tomorrow morning 10 o'clock

Wednesday, 14th *December*, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

ARCHABALD KENNEDY,
JAMES DE LANCEY,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair

The Bill Entituled, An Act for Emitting Bills of Creditt for the Payment of the Debts and for the better Support of the Government of this Colony, and other Purposes therein mentioned was read a second time and committed

The Bill Entituled, An Act to ffacilitate and Explaine the Duty of the Loan Officers in this Colony was read a Second time and Committed

The Council Resolved into a Committee to consider of the said two Bills

The Committee having duely weighed and considered of the said two Bills and being ready to make their report thereon when the Council wo'd please to recieve the same

The Speaker resumed the Chair

Ordered, That the said Report be made Immediately

Then Mr Horsmanden Chairman of the Committee to whom the said two Bills were referred in his place reported that the Committee had gone through the said two Bills and had directed him to report the same without any amendments

Which Report on the Question being put was agreed to and approved of

Ordered, that the said two Bills be read the third time

A Message from the Assembly by Adolph Philipse Esqr with the Bill Entituled, An Act for Granting to his Majesty several Duties towards Supporting his Government in this Colony for one year at the time and in the manner therein mentioned Desireing the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time and

Ordered a second reading

Then the Council adjourned till 3 o'clock P. M.

Wednesday, 14th *Decr*, 1737. P. M.

The Council met according to adjournment

PRESENT — ut Ante Merid

The Speaker assumed the Chair

The two following Bills vizt The Bill Entituled, An Act for Emitting Bills of Creditt for the Payment of the Debts and for the better Support of the Government of this Colony and other purposes therein mentioned and The Bill Entituled, An Act to ffacilitate and Explaine the Duty of the Loan Officers in this Colony were read the third time and

On the Question being put

Resolved, that the said two Bills do pass

Ordered, that Clerk do acquaint the General Assembly that the Council have past the said two Bills without any amendments

The Bill Entituled, An Act for Granting to his Majesty several Duties towards supporting his Government in this Colony for one year at the time and in the manner therein mentioned was read a second time and committed

Then the Council Resolved into a Committee to consider of the said Bill

The Committee having duely weighed and considered of the said Bill and being ready to make their report thereon when the Council wo'd please to recieve the same

The Speaker resumed the Chair

Ordered, that the said Report be made Immediately

Then Mr Horsmanden Chairman of the Committee to whom the said Bill was referred in his place reported that the Committee had gone through the said Bill and have directed him to report the same without any amendments

Which Report on the Question being put was agreed to and approved of

Ordered, that the said Bill be read the third time

A Message from the Assembly by John Walter Esqr with the Bill Entituled, An Act to Enable the Corporation of the City of New York to raise the sum of two hundred and fifty pounds for the uses therein mentioned Desireing the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was Read the first time and

Ordered, a second reading

A Message from the Assembly by Simon Johnson Esqr with the Bill Entituled. An Act for the better Extinguishing ffires that may happen within the City of New York Desireing the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time and

Ordered a second Reading

A Message from the Assembly by Coll° Philipse with the Bill Entituled, An Act further to Encourage the Destroying of Wolves in the County of West Chester and to Repeal part of the Act therein mentioned Desireing the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time and

Ordered a second reading

Then the Council adjourned till to morrow morning 11 o'clock

Thursday, 15th *Dec^r*, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* ARCHABALD KENNEDY, Esqr, Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esq^rs.

The Speaker resumed the Chair

The Bill Entituled, An Act for Granting to his Majesty several Dutys towards supporting his Government in this Colony for one year at the time and in the manner therein mentioned was read the third time

And on the Question being put

Resolved, that the said Bill do pass

Ordered, that the Clerk do acquaint the General Assembly that the Council have past the said Bill without any amendments

The Bill Entituled, An Act to Enable the Corporation of the City of New York to raise the sum of Two hundred and fifty Pounds for the uses therein mentioned was read a second time and committed

The Bill Entituled, An Act for the better Extinguishing fires that may happen within the City of New York was read a second time and committed

The Bill Entituled, An Act further to encourage the Destroying of Wolves in the County of West Chester and to repeal part of the Act therein mentioned was read a Second time and Committed

Then the Council Resolved into a Committee to Consider of the three last aforegoing Bills

The Committee having duely weighed and Considered of the Same and being ready to make their Report thereon when the Council wo'd please to recieve the Same

The Speaker resumed the Chair

Ordered, that the said Report be made Imediately

Then Mr Horsmanden Chairman of the Committee to whom the said three Bills were referred in his place Reported that the Committee had gone through the said three Bills and had directed him to report the same without any Amendments

Which Report on the Question being put was agreed to and approved of

Ordered, that the said three Bills be read the third time

A Message from the Assembly by Mr Mott with the Bill Entituled, An Act for the Preservation of Oysters at and near Richmond County in this Colony Desireing the Concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time and

Ordered a Second Reading

A Message from the Assembly by Mr Jones with the Bill Entituled, An Act to Repeal so much of the Law of this Colony concerning Quakers as required them to Produce Certificates, Desireing the Concurrence of the Council thereto

Ordered, that the said Bill be read
Then the said Bill was read the first time and
Ordered a Second Reading
Then the Council adjourned till 3 o'clock P. M.

Thursday, 15th *Decr*, 1737. P. M.

The Council met according to adjournment

PRESENT — ut Ante Merid

The Speaker assumed the Chair
The three following Bills vizt The Bill Entituled, An Act to Enable the Corporation of the City of New York to raise the sum of two hundred and fifty pounds for the uses therein mentioned. The Bill Entituled, An Act for the better Entinguishing ffires that may happen within the City of New York, and the Bill Entituled, An Act further to Encourage the Destroying of Wolves in the County of Westchester and to repeal part of the Act therein mentioned were read the third time and
On the Question being Put
Resolved, that the said three Bills do pass
Ordered, that the Clerk do Acquaint the General Assembly that the Council have past the said three Bills without Any Amendments
The two following Bills vizt The Bill Entituled, An Act for the Preservation of Oysters at and near Richmond County in this Colony and The Bill Entituled, An Act to Repeal so much of the Law of this Colony concerning Quakers as required them to Produce Certificates, were read a second time and committed
Then the Council Resolved into a Committee to consider of the two last aforegoing Bills
The Committee having duely weighed and considered of the same and being ready to make their report thereon when the Council wo'd please to recieve the same
The Speaker resumed the Chair
Ordered, that the said Report be made Immediately
Then Mr Cortlandt Chairman of the Committee to whom the said two Bills were referred in his place reported that the Committee had gone through the said two Bills and had directed him to report the Same without Any Amendments
Which report on the Question being put was agreed to and approved of
Ordered, that the Bill Entituled, An Act for the Preservation of Oysters at and near Richmond County in this Colony be read the third time
And as to the Bill Entituled, An Act to repeal so much of the Law of this Colony concerning Quakers as required them to produce certificates
The Question was put
Whether the said Bill should be read the third time or not?
It was carried in the Negative and
Ordered, That the said Bill be rejected
The Chief Justice Declaring his Disassent thereto
Then the Council adjourned till to morrow morning at 10 o'clock

Fryday, 16th *Decr*, 1737.

The Council met according to adjournment

PRESENT — *The Honourable* ARCHABALD KENNEDY, Esqr, Speaker,

JAMES DE LANCEY.
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair
The Bill Entituled, An Act for the Preservation of Oysters at and near Richmond County in this Colony was read the third time and
On the Question being put
Resolved, that the said Bill do pass

Ordered, that the Clerk do acquaint the General Assembly that the Council have past the said Bill without any amendments

Then the Council adjourned and went to the ffort

His Honour having then sent a Message by the Deputy Clerk of the Council to the General Assembly requireing their Immediate attendance at the Council Chamber at the ffort in order to their being present at His Honor's giving his Assent to the several Acts past this Session

The Assembly accordingly attended with their Speaker

Then his Honour in presence of the Council and of the General Assembly gave his Assent to the following Bills vizt

1 An Act for the further continuing An Act entituled, An Act to Lett to farm the Excise of Strong Liquors retailed in this Colony for the time therein mentioned and for Declaring Shrub Liable to the same Dutys as Distilled Liquors

2 An Act for Naturalizing Johannes Lorentz Carstens

3 An Act for the further continuing An Act Entituled, An Act for Setling and Regulating the Militia in this Province and makeing the same usefull for the security and defence thereof and for repealing all other Acts relating to the same as likewise the several Acts whereby the same has been revived and continued

4 An Act to Revive An Act Entituled, An Act to Amend the Practice of the Law and to regulate the givin of Special Bail and to Explain part of the said Act

5 An Act to Revive An Act Entituled, An Act to Provide able Pilotts and to Establish their Pilotage between Sandy Hook and the Port of New York

6 An Act to Revive An Act Entituled, An Act for the better Preservation of Oysters and Power to make Sale of the forfietures therein mentioned

7 An Act for the frequent Elections of Representatives to serve in General Assembly and for the frequent meeting of the General Assembly so elected

8 An Act to restrain Tavern Keepers and Innholders from Selling Strong Liquors to Servants and Apprentices and from givin Large Creditt to others

9 An Act to divide Dutchess County into Precincts and to repeal the Act therein mentioned

10 An Act to enable the Justices of the Peace in that part of Orange County Lying to the Northward of the high Lands to Build a Court house and Goal for the said County at Goshan

11 An Act for Defraying the comon and Necessary charge of the Mannor of Courtlandt in the County of Westchester

12 An Act to Prevent the further Importation of Copper money into this Colony

13 An Act for Establishing and Regulating Courts to Determine causes of Forty shillings and under in this Colony

14 An Act for the better clearing and further Laying out Publick high Roads in Dutchess County

15 An Act further to Encourage a Publick School in the City of New York for Teaching Lattin Greek & mathematicks

16 An Act to Enable the Justices of the Peace in Ulster County to defray the charges of Building a Court house and Goal for the said County and to Enable them to finish the same and for defraying of other charges therein mentioned

17 An Act for Lowering the Interest of money to seven Per Cent

18 An Act for confirming an Agreement and Exchange of Lands in the Township of Oysterbay formerly made between Sampson Hawxhurst and John Pratt deceased and securing those claiming under them or either of them in their Possessions and also to secure those in their Possessions who hold certain other Lands in the said Township which were formerly conveyed to the said Sampson by his Brother William Hawxhurst

19 An Act to Restrain Hawkers and Pedlars within this Colony from selling without Lycence

20 An Act for Naturalizing Gustaph Martin Rhuel and Twenty two others

21 An Act to Prevent Damages by Swine in the County of Orange and some parts of Ulster County and for repealing all former Acts concerning the same within the said County of Orange

22 An Act to Defray the necessary and contingent charges of the Garrison of Oswego repairing the same and for the better regulating the Furr Trade

23 An Act for Emitting Bills of Creditt for the Payment of the Debts and for the Better Support of the Government of this Colony and other Purposes therein mentioned

24 An Act to facilitate and Explaine the Duty of the Loan Officers in this Colony

25 An Act for Granting to his Majesty several Duties towards supporting his Government in this Colony for one year at the time and in the manner therein mentioned

26 An Act to Enable the Corporation of the City of New York to raise the sum of Two hundred and fifty pounds for the uses therein mentioned

27 An Act for the better Extinguishing fires that may happen within the City of New York

28 An Act further to Encourage the Destroying of Wolves in the County of West Chester and to repeal part of the Act therein mentioned

29 An Act for the Preservation of Oysters at and near Richmond County in this Colony

After which his Honour made a speech to the Gentlemen of the Council and of the General Assembly, and delivered one copy thereof to the Speaker of the Council, and another copy thereof to the Speaker of the General Assembly After which His Honor attended as usual went to the City Hall and then caused the several Acts aforesaid to be published

Then the Council returned to the Council Chamber at the City Hall and adjourned till 3 o'clock in the afternoon

Fryday, 16th *Decr*, 1737. P. M.

The Council met according to adjournment

PRESENT — *The Honourable* ARCHABALD KENNEDY, Esqr, Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair

His Honour's Speach having been Read was ordered to be Entered in the minutes and is in the words following

Gentlemen,

The Harmony that subsists between the several branches of the Legislature will I hope Establish an universal benevolence throughout the Province and put it in a more Prosperous and flourishing condition than it has yet known; That Event will compleat my utmost wishes as my highest aim has been to restore Tranquility to the Country, and to raise its head from the Drooping scituation it was lately in

Gentlemen of the Assembly

I Return you my thanks for the Regard which with Justice you have had to his Majestys Honour in makeing good the Deficiences of the Revenue, and I promise my self that the same Duty and Loyalty with which you have now acted will at your next meeting Inspire you with Resolutions to give an Honourable and ample Revenue to his Majesty for the future Support of his Government Since the advanced Season of the year will not allow you time to do it now

Gentlemen,

I have now Given my Assent to such Bills as are ready for it, and I have done it with much chearfullness as I hope the Province will feel Happy Effects from them

GEO CLARKE

Ordered, that the same be forthwith printed by the Kings Printer

His Honour the Lieutenant Governour having directed the General Assembly to adjourn themselves to the first Tuesday in April

The Council therefore adjourned to the said first Tuesday in April

[In Executive Session]

April 4th, 1738

This being the day to which the General Assembly of this Province stood adjourned

Ordered, that the Deputy Clerk of the Council do go to the Genl Assembly Chamber in the City Hall to know if the House was met and if met to Acquaint them that His Honor requires their Immediate Attendance at the Council Chamber

The Clerk returning Acquainted the Board that the House was not met On which His Honor askt the opinion of the Gentlemen of the Council to what time they would advise him to Prorogue them. Who were of opinion and advised His Honor in case the General Assembly should not meet on this day that His Honor should prorogue them to the 1st *Tuesday* in *June* next, and if met to direct the Speaker of the said General Assembly to adjourn themselves to that day

April 5th 1738

His Honor having received a Message that the General Assembly were yesterday met and had adjourned themselves to this day

Ordered, that the Deputy Clerk of the Council do go to the House of Representatives and acquaint them that His Honor requires their Immediate Attendance at the Council Chamber

The Assembly Accordingly Attending with their Speaker

His Honor with the advice & consent of the Gentmn of the Council prorogued them to the first Tuesday in June next and

Ordered, that a Proclamation issue notifying the same

[N. Y. Col. MSS., LXXII., 48.]

By the Honourable

GEORGE CLARKE Esqr Lieutenant Governor and Commander in Chief of the Province of
(L. S.) *New York* and the Territories thereon depending in *America* &c

A PROCLAMATION

WHEREAS the General Assembly of the province of New York stood adjourned unto this day And I having thought fitt for His Majesties Service to prorogue the Said General Assembly to the *ffirst Tuesday* of *June* next Do hereby give publick Notification thereof That all Concerned may take Notice and govern themselves accordingly

Given under my hand and seal at ffort George in *New York* this *ffifth* day of *April* in the Eleventh year of His Maties Reign Annoq Dom 1738

GEO CLARKE

By his Honor's Command
ffredk Morris *D Sécery*

Att a Session *of the* Council *and* General Assembly *began at the City Hall in* New York, *on* Tuesday *the* 6th *day of* June, 1738.

The General Assembly having stood adjourned to the 5th April last & by proclamation of that date being prorogued to this day

The Council met at the Council Chamber at the City Hall

PRESENT — *The Honorable* CADWALLADER COLDEN, Esqr, Speaker,

ARCHIBALD KENNEDY,
JAMES DE LANCEY,
HENRY LANE, Esqrs.

The Speaker assumed the Chair

Ordered, that the Clerk do wait on His Honr the Lieutenant Governor and acequaint him that the Council are met

The Clerk returning accquainted the Council he had waited upon his Honr with the aforegoing Message

His Honor attended as usual being come to the Council Chamber in the City Hall sent a Message by the Deputy Clerk of the Council to the General Assembly requiring their Immediate attendance at the Council Chamber in the City Hall

The Assembly accordingly attending with their Speaker His Honor further prorogued them to the last Tuesday in August next

The Speaker having resumed the Chair The Council adjourned to the said Last Tuesday in August

[N. Y. Col. MSS., LXXII., 69.]

BY THE HONOURABLE

GEORGE CLARKE Esqr Lieutenant Governor and Commander in Chief of the Province of
(L. S.) *New York* and the Territoryes thereon depending &c

A PROCLAMATION

WHEREAS the Generall Assembly of the province of New York stood prorogued to the first Tuesday in June instant being the sixth day of this Instant June And whereas I have thought fitt for his Majesty's service further to prorogue the said Generall Assembly to the *last Tuesday* in *August* now next ensuing being the *twenty ninth* day of the said month of *August*, on which day the members of the said General Assembly are hereby required punctualy to meet and attend, in order to proceed upon business, without any further notification, Of which I thought proper to give this publick Notice, that the members of the said General Assembly and all concerned may duely attend and govern themselves accordingly

Given under my hand and seal at ffort George in *New York* the *seventh* day of *June* in the Eleventh year of the Reign of our Soveraign Lord George the Second by the grace of God of Great Britain, ffrance and Ireland King Defender of the ffaith &c Annoq Dom 1738

GEO CLARKE

By his Honor's Command
FFREDk MORRIS *D. Secery*

TWENTY-FIRST ASSEMBLY SECOND SESSION.

Att a Session *of the* Council *and* General Assembly *began at the City Hall in* New York, *on* Tuesday *the* 29th August, 1738.

The Council met at the Council Chamber at the City Hall

PRESENT — *The Hon*ble ARCHIBALD KENNEDY, Esqr, Speaker,

PHILIP CORTLANDT,
HENRY LANE, Esqrs.

The Speaker assumed the Chair
The General Assembly having pursuant to prorogation, met on this day, and adjourned themselves 'till ffryday next
The Council therefore adjourned 'till ffryday next at 11 o'clock in the morning

Fryday the 1st *Septemb*r, 1738.

The Council met according to adjournment

PRESENT — *The Honourable* ARCHIBALD KENNEDY, Esqr, Speaker,

JAMES DE LANCEY,
HENRY LANE, Esqrs.

The Speaker assumed the Chair
The Council adjourned till 4 clock in the afternoon

Fryday the 1st *Septemb*er, 1738. P. M.

The Council met according to adjournment

PRESENT — *The Honourable* ARCHIBALD KENNEDY, Esqr, Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE, Esqrs.

The Speaker assumed the Chair
Ordered, that the Deputy Clerk of the Council do write to all the absent members requiring their Immediate attendance at this Board
Then the Council adjourned 'till to morrow morning at 11 o'clock

Saturday the 2d *Septemb*r, 1738.

The Council met according to adjournment

PRESENT — *The Honorable* ARCHIBALD KENNEDY, Esqr, Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE, Esqrs.

The Speaker assumed the Chair
The Council adjourned till Tuesday next at 10 o'clock in the morning

Tuesday the 5th September, 1738.

The Council met according to adjournment

PRESENT — *The Honorable* ABRAHAM VAN HORNE, Esqr, Speaker,
ARCHIBALD KENNEDY,
HENRY LANE, Esqrs.

The Speaker assumed the Chair

His Honor the Lieutenant Governor being come into the Council Chamber sent a Message by ffredk Morris Deputy Clerk of the Council to the General Assembly requiring their Immediate attendance

The General Assembly accordingly attending with their Speaker His Honor made a Speech and delivered a copy thereof to the Speaker of the Council, and another copy to the Speaker of the General Assembly, after which His Honor returned to the ffort

Then the Speaker resumed the Chair

Ordered, that the Speech be read

Which having been read

Ordered, that the same be entered in the minnitts and is in the words following vizt

Gentlemen,

Since we last were together, we have had the most afflicting news of the Death of Her Majesty Queen Caroline, a Princess endow'd with so many Royal beneficent & aimable Virtues, that no distance of time can efface the Remembrance of them; Tho' your meeting together now gives a late opportunity of dutifully and gratefully declaring the sence, the People of this province have of their Irreparable Loss, I am confident none of his Majesty's most dutifull Subjects, who have made the earlyest Declarations of their grief, are more Sincere in their Condolance with our most gracious Soveraign, on this ever to be lamented event

Gentlemen of the Assembly

You know that more than a year is now Expired without any Support of His Majesty's Government, in this Province, by a practice not warranted by the usage of former Assemblys, nor consonant to the grateful Returns which a dutiful people owe to the paternal & indulgent care and affection, that the King has on all occasions manifested in promoting the wellfare of his people, and in Securing their Religious and Civil Rights and liberties; His Majesty Expects that you give a Revenue as large, and for as long a time, as former Assemblys have done

It appeares by the Treasurer's Accounts, that the ffonds appropriated for Sinking the Bills of Credit Struck in the years 1714 & 1717, are now about Seventeen Thousand pounds deficient, Which ffond will expire next year

The Securing the Credit of your paper money deserves your Immediate consideration, As it is a matter of the Highest concern to the province, I will give my assent to An Act to Continue the Excise for Sinking of those Bills, when at the same time you give his Majesty As Ample a Revenue for Supporting His Government here, and for as long a time as former Assemblys have done, more than that cannot be expected from me, nor dare I give into As the paper money of this province receives its Currency and credit from the Authority of his Majesty's Government That credit cannot be supported without supporting the Government; They must go hand in hand

Gentlemen,

I must accquaint you that there is a standing Order of the plantation Board, that no person be heard there in support of Bills past in the plantations, unless he makes it appear that He be Agent for the Colony in whose behalf he Applyes; Your Bills will be lyeable to be rejected upon the application of any other Colony who shall think themselves aggriev'd by any act past here, if no person be authorized to appear for you on such occasions; This lately was like to have been the case of the Tonnage Act past in the year 1734, and which may still be rejected, unless you appoint and ffurnish An Agent with sufficient reasons in Support of that Act, It is therefore necessary for you to have An Agent ready on all occasions to appear in behalf of the province

Gentlemen of the Assembly

I must recommend to you the ffinishing of the new ffortifications, that they may in all events be in a Condition of Defence, and to repair that part of the Barracks in the ffort which were left unrepair'd, when the others were repaired

I must likewise recommend to you the payment of those persons whom I sent to reside in the Sinnekes Country, to keep the Indian Nations steady in their fidelity to this Government, I

mean the payment of those who have resided twelve months there, as well as of the others that are now sent upon the Same Service for the present year

Gentlemen,

In the last place I recōmend to you Unanimity and Harmony, in dispatching those things, which your Duty to your King and Country requires of you

GEO CLARKE

New York Sepr 5th 1738

Ordered, that his Honor's Speech be taken into Consideration at their next meeting
The Council adjourned 'till Tuesday next at 11 o'clock in the morning

Tuesday the 12th Septemb^r, 1738.

The Council met according to adjournment

PRESENT — *The Honourable* ARCHIBALD KENNEDY, Esqr, Speaker,
HENRY LANE,
DANIEL HORSMANDEN, Esq^rs.

The Speaker assumed the Chair
Ordered, that His Honor's Speech be taken into consideration on Thursday next
Then the Council adjourned till Thursday next at 10 o'clock in the morning

Thursday the 14th Septemb^r, 1738.

The Council met according to adjournment

PRESENT — *The Honorable* ABRAHAM VAN HORNE, Esqr, Speaker,
ARCHIBALD KENNEDY,
JAMES DE LANCEY,
HENRY LANE,
DANIEL HORSMANDEN, Esq^rs.

The Speaker assumed the Chair
A Message from the Assembly by Captain Livingston and Captain Winne in the words following vizt

Die Jovis 7th Septr 1738

Ordered, that Adolph Philipse Esqr James Alexander Esqr, John Walter Esqr, Simon Johnson Esqr, David Jones Esqr and Coll^o Isaac Hicks be a Committee of the House to prepare An Address of Condoleance to his Majesty on the ever to be lamented event of the Death of Her late Majesty Queen Caroline, and that His Honour the Lieutenant Governor and the Council be requested to join therein
Ordered, that Captain Livingston and Captain Winne do accquaint the Council with the said Resolution and desire their concurrence in the said address, and that they would appoint a Committee to meet and join with the said Committee of the House, in order to prepare the said Address at such time and place as they shall be pleased to appoint

G LUDLOW Cl

Which being read
Ordered, that the Honorable Archibald Kennedy, Henry Lane and Daniel Horsmanden Esq^rs be a Committee to join a Committee of the Members of the General Assembly to prepare an Address to His Majesty on the subject matter of the said Message
Ordered, that the Honorable Daniel Horsmanden Esqr do accquaint the General Assembly that the Council have appointed the Honble Archibald Kennedy and Henry Lane Esq^rs and himself the said Daniel Horsmanden to be a Committee to join a Committee of the General Assembly in order to prepare an address of condoleance to his Majesty on the Death of the late Queen and for that purpose have appointed Tuesday next at 4 o'clock in the afternoon to meet in the Publick Library Room in the City Hall
Ordered, that His Honor's Speech be taken into consideration at the next meeting

A Message from the General Assembly by Captain Livingston for Captain Arent Bratt with the Bill Entitled, An Act to revive An Act Entitled, An Act to empower the Justices of the peace of the County of Albany living or dwelling in the Township of Schanegtade in the said County to regulate the Streets and Highways, and to prevent accidents by ffire in the said Town Desiring the concurrence of the Council thereto (Captain Arent Bratt who was ordered to bring in the said Bill being indisposed.)

Ordered, that the said Bill be read

Then the said Bill was read the ffirst time and

Ordered a second reading

A Message from the General Assembly by David Jones Esqr with the Bill Entitled, An Act for the further continuing An Act Entitled, An Act for the encouraging of Whaling Desiring the Concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the ffirst time and

Ordered, a second reading

Then the Council adjourned till Tuesday next at 3 o'clock in the afternoon

Tuesday the 19th *of Septemb^{r}*, 1738.

The Council met

PRESENT — *The Honorable* HENRY LANE,
DAN^{l} HORSMANDEN, Esq^{rs}.

Thursday the 21st *Septemb^{r}*, 1738.

The Council met

PRESENT — *The Honourable* PHILIP LIVINGSTON, Esqr, Speaker,
ARCHIBALD KENNEDY,
JAMES DE LANCEY,
HENRY LANE, Esq^{rs}.

The Speaker assumed the Chair

His Honour the Lieutenant Governor being come to the Council Chamber at the City Hall sent a message by the Deputy Clerk of the Council to the General Assembly requiring their Immediate Attendance

The General Assembly accordingly attending with their Speaker His Honor thought fitt to direct them to adjourn themselves to the 5th day of October next After which His Honour returned to the Fort

Then the Speaker resumed the Chair

The General Assembly being directed to adjourn themselves to the 5th day of October next The Council therefore adjourned to the said ffifth day of October next

Thursday the 5th *October*, 1738.

The Council met according to Adjournment

PRESENT — *The Honorable* CADWALLADER COLDEN, Esqr, Speaker,
ARCHIBALD KENNEDY,
HENRY LANE,
DAN^{l} HORSMANDEN, Esq^{rs}.

The Speaker assumed the Chair

The Council adjourned 'till Tuesday next at 11 o'clock in the morning

Tuesday the 10th *October*, 1738.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHIBALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair

Mr Horsmanden Chairman of the Committee appointed to meet a Committee of the General Assembly in order to prepare an Address of Condolence to His Majesty on the Death of the late Queen laid before the Board a Draught of the Address which having been read was approved of

A Message from the General Assembly by Adolph Philipse Esqr in the words following vizt

Die Lunæ 9th *October* 1738

Ordered, that Adolph Philipse Esqr Accquaint the Council that the Draught of An Address of Condolence to His Majesty on the Death of the late Queen is approved of by the House and that when the said Draught is Engross'd and Signed by the Lieutenant Governor and the Council, the members of this House will also sign the same

G LUDLOW Clerk

Which having been read

Ordered, that the Honble Danl Horsmanden Esqr do wait upon His Honour with a Copy of the said Address and desire his approbation and Concurrence therewith

The Bill entitled, An Act to revive An Act entitled, An Act to empower the Justices of the peace of the County of Albany living or dwelling in the Township of Schenectady in the said County to regulate the Streets and Highways and to prevent Accidents by fire in the said Town was read a Second time and Committed

The Bill entitled, An Act for the further Continuing An Act entitled, An Act for the Encouraging of Whaling was read a Second time and Committed

A Message from the Assembly by Coll Matthews with the Bill entitled, An Act to regulate the militia in this Colony, for the Security and defence thereof Desiring the Concurrence of the Council thereto

Ordered, that the said Bill be read

Then the Said Bill was read the ffirst time

Ordered a 2d reading

A Message from the Assembly by Coll Isaac Hicks with the Bill entitled, An Act to encourage the destroying of Wild Catts in Kings County Queens County and Suffolk County Desiring the Concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the 1st time &

Ordered a second reading

A Message from the Assembly by David Jones Esqr with the Bill Entitled, An Act to revive An Act entitled, An Act to prevent Swine running at Large in the City and County of New York, the County of Westchester, Queens County, Kings County and Richmond County Desiring the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time &

Ordered a second reading

The Council adjourned 'till to morrow morning 11 o'clock

Wednesday the 11th *October*, 1738.

The Council met according to adjournment

PRESENT— *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHIBALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair

Mr Horsmanden Reported that he had pursuant to order waited upon His Honour with the Address of Condolence to his Majesty and that he approved thereof

Ordered, that the Address be ingross'd which is in the words following vizt

To the KING'S Most Excellent MAJESTY

The Humble ADDRESS of the Lieutenant Governor, the Council and the General Assembly of the Colony of *New York* in America

Most Gracious Sovereign,

We your Majesty's most Dutifull and Loyal Subjects, The Lieutenant Governour, the Council and General Assembly of your Majesty's Colony of New York in America, beg leave with the greatest Humility to take this first opportunity of declaring the deep sense that your Majesty's subjects of this remote part of your Dominions, have of the Irreparable Loss sustained by your Majesty and your People in the Death of our late most Gracious Queen and with hearts most sensibly afflicted humbly beseech your Majesty to admit our sincere Condolence with the rest of your Majesty's subjects on this sad and melancholly occasion

To speak the just Praise of that most excellent Princess is a Task we must acknowledge our selves very unequal to. The Fame of Her Majesty's Transcendent Excellence in the most aimiable and distinguishing Qualities in every Relation she stood in; As it has been universal, will transmitt a Pattern of Royal Virtues to all succeeding Generations: As difficult is it for us to express our real sorrows and afflictions on this ever to be lamented Event, a Loss unspeakable of which no distance of time can efface the Remembrance

That Heaven may guard your sacred person and alleviate your Majesty's Grief on this solemn and lamentable occasion and long preserve a Life Invalluable to your people is the sincere prayer of

Your Majesty's
Most Dutiful & Loyal Subjects

His Honour being come to the Council Chamber at the City Hall sent a Message by the Deputy Clerk of the Council to the General Assembly requiring their Immediate attendance

The General Assembly accordingly attending with their Speaker His Honour was pleased to prorogue the General Assembly 'till to morrow

On His Honour's returning to the Fort The Speaker resumed the Chair

Then the Council adjourned 'till to morrow at 11 o'clock in the morning

Thursday the 12th *Octr*, 1738.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHIBALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair

The Council adjourned 'till to morrow morning 11 o'clock

Fryday the 13th *Octr*, 1738.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHIBALD KENNEDY,
JAMES DE LANCEY,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair

His Honour being come to the Council Chamber at the City Hall sent a Message by the Deputy Clerk of the Council to the General Assembly requiring their Immediate attendance

The General Assembly accordingly attending with their Speaker His Honour made a Speech and delivered a copy thereof to the Speaker of the Council and another copy to the Speaker of the General Assembly

After which His Honour returned to the Fort

Then the Speaker resumed the Chair

Ordered, that the Speech be read.

Which having been read

Ordered, that the same be entered in the minnitts and is in the words following vizt

Gentlemen,

Having in my Speech of the 5th of last month, recommended to you those things that I thought necessary to be done by you this Fall, I now referr you to what I then said, Since that time I have received Information that the ffrench intend Speedily to make some Settlements at or near the Wood Creek It is your Interest to defeat their Designs by the most speedy and effectual meanes, which I think can only be done by your enabling me to build a ffort there, and by encouraging some people to settle in that part of the country, There are several now in this Town who lately arrived from North Britain willing to settle with their ffamilys at the Wood Creek, but being poor are unable to do it, without some assistance. I therefore recommend to you to provide for their Support, 'till by their Labour they may be able to maintain themselves, upon such encouragement I have a fair prospect of seeing many more ffamilys imported hither from that Country to settle at the same place

I am like wise informed that several Sachims of the Senneca's are gone to Quebeck, to treat with the Governor of Canada, as it is apprehended, about admitting the ffrench to settle at Tierondequat in their Country; If this be done there's an end of the Oswego Trade, ffor the ffrench may stop allmost every Canoe in their voyage to Oswego, and will without doubt in time become Masters of all the Six Nations, The consequences whereof are but two obvious, I am perswaded that this may yet be prevented and the Sinnecas brought to give us the possession of Tierondequat for a small consideration; If it be tendered to them, before the ffrench are actually possest of the place It is a thing of High Importance and requires your present aid

GEO CLARKE

October 13th 1738

Ordered, that His Honour's speech be taken into consideration at the next meeting

The Council adjourned 'till Monday next at 11 o'clock in the morning

Monday the 16th *October*, 1738.

The Council met according to adjournment

PRESENT— *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHIBALD KENNEDY,
PHILIP CORTLANDT,
HENRY LANE,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair

Mr Horsmanden presented to the Board a Bill Entitled, An Act to regulate the Militia of this Colony for the security and defence thereof

Which was ordered to be read

Then the said Bill was read the ffirst time and

Ordered a second reading

His Honor the Lieutenant Governor having on the 11th Instant prorogued the General Assembly to the day following

Ordered, that the several Bills which before that time were read in Council, be sent back to the General Assembly if they request it The Titles whereof are as follows vizt

An Act to revive An Act entitled, An Act to empower the Justices of the peace of the County of Albany living or dwelling in the Township of Schenectady in the said County to regulate the streets and Highways and to prevent accidents by fire in the said Town

An Act for the further continuing An Act entitled, An Act for the encouraging of Whaling

An Act to encourage the Destroying of Wild Catts in Kings County Queens County and Suffolk County

An Act to revive An Act entitled, An Act to prevent Swine running at large in the City and County of New York, the County of West Chester, Queens County, Kings County & Richmond County

Mr Livingston moved for leave to be absent his affaires requiring his attendance at Home

Ordered, that he have leave to be absent accordingly

Then the Council adjourned 'till Wedesday next at 11 o'clock in the morning

Wednesday the 18th *October*, 1738

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHIBALD KENNEDY,
PHILIP CORTLANDT,
HENRY LANE,
DAN^l^ HORSMANDEN, Esq^rs^.

The Speaker assumed the Chair

The Bill entitled, An Act to regulate the Militia of this Colony for the security and defence thereof was read a second time and committed

A Message from the General Assembly by Mr Johnson and Mr Jones in the words following vizt

Die Jovis 12*th October* 1738

The House conceiving it highly necessary to regulate the ffees of the several officers of this Colony

Ordered, that Mr Johnson and Mr Jones wait upon the Council and desire they will be pleased to appoint a Committee of their Board to join a Committee of this House in order to prepare a Bill for regulating ascertaining and Establishing the ffees of the several officers within this Colony

G LUDLOW Cl

Ordered, that the subject matter of the said Message be taken into consideration at some future meeting

The Council adjourned 'till to morrow morning 11 o'clock

Thursday the 19th *October*, 1738.

The Council met according to adjournment

PRESENT — *The Honorable* CADWALLADER COLDEN, Esqr, Speaker

ARCHIBALD KENNEDY,
PHILIP CORTLANDT,
HENRY LANE,
DAN^l^ HORSMANDEN, Esq^rs^.

The Speaker assumed the Chair

Then the Council adjourned 'till to morrow morning 11 o'clock

Fryday the 20th *October*, 1738.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker

PHILIP LIVINGSTON,
ARCHIBALD KENNEDY,
PHILIP CORTLANDT,
HENRY LANE, Esqrs.

His Honour the Lieutenant Governor being Come to the Council Chamber sent a Message by the Deputy Clerk of the Council to the General Assembly requiring their Immediate Attendance

The General Assembly accordingly attending with their Speaker His Honour was pleased to dissolve them after having first made a Speech to them in the words following vizt

Gentlemen,

When you came together this Fall, I was not without hopes that you brought with you hearty dispositions to consult the true Interest of your Country which can only be attained by a Loyall and Dutifull regard to his Majesty's Honor in the support of his Government, since it is from thence only that you can hope for my assent to such Laws as the people whom you represent, expect you will prepare for it

You cannot but know, that there are many things of great Importance to the province that called for your early help for I recommended them to your Consideration; on some of them the wellfare (I was going to say the fate) of your Country in a great measure depends, but how unconcerned you have been about them, the people whom you represent will see by your votes

Ever since the Revolution, (the Æra from whence we may date our present Happiness in the full enjoyment of our civil and sacred Rights and Liberties) the Assemblies of this province have from time to time given to his Majesty and his Royall Predecessors a Revenue for the support of Government for a Term of years. What I ask of you is no more; other Assemblies prompted only by their Duty and their Zeal and affection to his Majesty and his Royall Predecessors, have given such a Revenue as I have mentioned; but you had besides these other Inducements to do it.

You have a large sum of paper money subsisting which will be next year without any fond to sink it, its Currency will cease, it will no longer pass but become waste paper and hundreds of people will then be loosers by it for it will probably be in so many hands I offered to continue the Sinking Fond if you would give such a Revenue as former Assemblies have all along given nor was there anything new or unreasonable in the Demand The Example of former Assemblies, your Duty to his Majesty and Gratitude for his Constant protection of your Trade and Country both by Land and Sea, at a vast Expence (the fruits whereof you reap) ought to have Determined you to accept of my Offer But instead of Expressing your Gratitude and Duty by Supporting his Majesties Government as former Assemblies have done You sent yesterday two of your members to Accquaint me that it was Unanimously Resolved by your House, not to pass any Bill for the Grant of money for the support of Government but with Assureance that the Bills Struck and Isued in the years 1714 and 1717 As also the Excise Act should be continued from the first day of November 1739 for a sufficient number of years to Cancel and distroy them Bills

I see too in your votes of yesterday in the afternoon a Resolve of your House in the following words (to wit)

Resolved, that in the Bill ordered to be brought in for the further Supporting this Government until the 31st day of December which will be in the year 1739 and for paying the Sallaries and allowances in the year 1737 there shall be added one or more clauses to continue the Act Entituled, An Act for Laying An Excise on all Strong Liquors retailed in this Colony past in the twelfth year of her Late Majesty Queen Anne from the first day of November 1739 for such number of years as the House shou'd conceive sufficient to Sink and Cancel the Bills of Creditt which were Struck and Issued by virtue of the two Acts commonly called the Long Bills passed in the years 1714 & 1717 And that the money to Arise by the Excise to be so Continued shall be applyed for Sinking & Cancelling the Said Bills, and that the Said Bills shall remain current during the time the Said Excise is now intended to be continued.

On this Resolve you Ordered that the Committee appointed to prepare the Bill first mentioned do add proper clauses therein for the purposes mentioned in the aforegoing resolution These are such presumptuous, daring and unpresidented steps that I cou'd not look upon them without astonishment, nor with Honor Suffer you to Sit any Longer I have therefore thought fit with the Unanimous advice of his Majesties Council to DISOLVE you and you are accordingly DISOLVED.

TWENTY-SECOND ASSEMBLY FIRST SESSION.

At a Session *of the* Council & General Assembly *began at the City Hall, in* New York, *on* Tuesday, *the* 27th *day of* March, 1739.

His Honour the Lieutenant Governor having on the 20th of October last dissolved the late General Assembly and Writts having been issued for chusing a new one to meet on this day
The Council met at the Council Chamber in the City Hall

PRESENT — *The Honourable* ARCHd KENNEDY, Esqr, Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair
His Honour attended as usual being come to the Council Chamber in the City Hall sent a Message by the Deputy Clerk of the Council to the General Assembly, that His Honour required their immediate attendance in order to be sworn
Fourteen of the members accordingly attended & were sworn After which His Honour desired them to return to their House to chuse a Speaker and present him to His Honour for his approbation
Then Col Beekman and Capt Winne brought a Message from the Assembly that they had elected a Speaker and were ready to wait upon His Honour when he pleased
To which His Honour said, immediately
Then the House waited upon His Honour and presented to him Adolph Philipse Esqr as their Speaker, whom His Honor approved of
Then His Honour made a speech to the Council and General Assembly and delivered one Copy thereof to the Speaker of the Council & another Copy to the Speaker of the General Assembly After which His Honour returned to the Fort
Then the Speaker resumed the Chair
Ordered, that the Speech be read
Which having been read was ordered to be entred in the Minutes, and is in the words following vizt

Gentlemen,

I take this first opportunity to congratulate you on the Birth of a Prince of His Majesty's Royal and illustrious House, an Event propitious to the Protestant World in General, and more Especially to all his Majesty's Dominions

Gentlemen of the *Assembly*

I issued writts for the Election of this Assembly, & for their meeting so soon as the season of the year would admit of it. there being many things that require your early attention; and I hope you have brought with you Dispositions equal to your abilities, to consult his Majesty's Honor, and the true Interest of the People whom you represent, which are so linked together, that they cannot be seperated without evident Injury to the Country. Your Duty and allegiance exact the first, and the other is expected from you by the People. You have besides these obligations, many other that ought to excite your Gratitude to the best of Kings. Your Trade and navigation are secured by a Guard ship, your Frontiers and Settlements by a Land Force, which are maintained at a great Expence to England, while you reap the Benefit of his Majesty's Bounty and Goodness, both in the protection they give you, and in the large sums of money that they expend yearly among you; You are happy in the full enjoyment of your sacred and civil Rights and Liberties; in a word, you are possest of all those inestimable Blessings that are peculiar to Englishmen, and which the People of other Countries would purchase at the expence of all they are worth. Being in this Happy situation, it ought to be your principal Care to show your Gratitude in supporting His Majesty's Government, by which you are protected in the enjoyment of those Felicitys. Look up then to the great Example of a British Parliament who express their Duty, their Zeal and Affection to His Majesty by devoting their first Councils to His service, in giving him an honourable Revenue. Do you so likewise, and then you may with confidence, hope for the continuance of his Royal Favour in all Things reasonable, the surest means to make you a Flourishing People

There is now a long arrear due for the Support of Government, the yearly amount whereof you well know. I therefore earnestly recommend it to you, to make speedy and ample Provision for the Payment of it, and give to his Majesty, for such Term of years as former Assemblys have done before you, an ample and Honourable Revenue for the future Support of his Government, which his Majesty expects from you. Former Assemblies have done this ever since the Happy Revolution, and some of them at a time when the Province was far less Populous; when your Trade was much inferiour to what it now is, and when a Detachment of the Militia was yearly sent to Albany, at a large Expence to the Colony, to defend the Frontiers against the French, with whom we were then at War; a situation widely different from the happy Peaceful state wherein you now are, and which I hope you will long enjoy, by the powerful influences of his Majesty's just and steady measures, guided by the most consumate wisdom.

The Fort in the Mohawks Country, and one part of the Barracks in Fort George will tumble down if they be not Speedily Repaired, I therefore Recommend it to you to make effectual Provision for those Purposes; your own Interest requires it as it will be much less Expence to Repair than to Rebuild them

I have again sent some persons to reside in the Sinneca's Country this year, to defeat the Attempts of the French, who are always industrious to alienate the affections of the Indians from us; and I make no doubt (if you will enable me) of obtaining from the Sinneca's some Land at Tierondequat sufficient to erect a Fort on, and to raise Provisions to victual a Garrison, which will be of great use in that place both in Securing your Furr Trade, and the Fidelity of the Six Nations; and as they are matters of great importance to you, they require your present attention

This is the year that the Six Nations expect of course to meet me at Albany; but as the late Assembly neglected to give the usual sums of money for that service, I recommend it to you. I for my part will be ready to meet them there, if you enable me, and I hope you will do it in time, least a disappointment of their expectations should shake their Fidelity to his Majesty, the consequences whereof may prove fatal to the Province

The peopleing of that part of the Country to the Northward of Sarachtoga will be of great advantage to the Province, as well in Strenghening the Frontier, as in enlarging your Trade: several Familys arrived here the last Fall from North Britain who are willing to settle there, and more are expected from thence this year, but as they are poor they will want some help to enable them to subsist their Familys until by their Labour they can raise Provisions to subsist themselves, and I am persuaded that you will give them some needfull assistance

Gentlemen,

I have received his Majesty's disapprobation of the Act of Assembly past in the year 1737 for the ffrequent Election of Representatives to serve in General Assembly, and for the frequent meeting of the General Assembly so elected, a copy whereof I have ordered to be laid before you, that it may be entered in your Journals.

The Act pass'd in the year 1699 for the regulating and returning able and sufficient Jurors being expired, I recommend it to you to pass a Bill for the like purpose, and that it may be more effectual, you will do well to consult the Laws of England on that Head, and to make it as agreeable thereto as the circumstances of the Province will admit of, such a Law will be of great advantage to the Province in guarding and fenceing the Lives, Libertys and Propertys of the People from the dangers that may otherwise threaten them, and such a Law too ought to be perpetual

Gentlemen of the Assembly,

The making good the deficiences of the Revenue and giving a future support for a Term of years, require at this time your most serious consideration, as the tranquility and Prosperity of the Province do in the highest Degree depend thereon, nor is your own Reputation or Honour less concerned therein, since your Actions, not words, must be the measure of your Zeal and Affection, to his Majesty's Person & Government you have now an opportunity to show that your Zeal & Affection are nothing short of that which former Assemblys have manifested on the like occasions; you will thereby too have opportunitys to Establish a perfect and lasting harmony in the Province and to gain the applause of every well-wisher to the Country, by passing such Bills as may Conduce to make you an Opulent people: Do you what is incumbent on you and you will find me ready to assent to such Bills as are not inconsistent with his Majesty's Honour and my Duty

GEORGE CLARKE

March 27th 1739

Then the Council adjourned 'till to morrow morning at 11 o'clock

Wednesday the 28th *March*, 1739.

The Council met according to adjournment

PRESENT — *The Hon*ble ARCHd KENNEDY, Esqr, Speaker,
PHILIP CORTLANDT,
HENRY LANE, Esqrs.

The Speaker assumed the Chair
The Council then adjourned 'till to morrow morning 11 o'clock

Thursday the 29th *March*, 1739.

The Council met according to adjournment

PRESENT — *The Honourable* ARCHIBALD KENNEDY, Esqr, Speaker,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE, Esqrs.

The Speaker assumed the Chair
Ordered, that His Honours Speech be taken into consideration on Tuesday next
The Council then adjourned 'till Tuesday next at 11 o'clock in the morning

Tuesday the 3d *April*, 1739.

The Council met according to adjournment

PRESENT — *The Honourable* ARCHIBALD KENNEDY, Esqr, Speaker,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

Ordered, that His Honours speech be taken into consideration on Fryday next
The Council then adjourned 'till Fryday next at 11 o'clock in the morning.

Fryday, April the 6th, 1739.

The Council mett according to adjournment

PRESENT — *The Honourable* ARCHIBALD KENNEDY, Esqr, Speaker,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair
Mr Horsmanden made a motion to address His Honour to thank him for his Speech and to assure him of the Rediness of the Council to concur in all measures for promoting his Majesties Interest and the Welfare and Prosperity of the Province
Ordered, that Mr De Lancey, Mr Horsmanden and Mr Cortlandt be a Committee to prepare the Adress and to lay it before this Board for their approbation thereof.
Then the Council adjourned 'Till Monday morning next at 10 o'clock

Monday the 9th April, 1739.

The Council mett according to adjournment

PRESENT — *The Honourable* ARCHIBALD KENNEDY, Esqr, Speaker.

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair

Mr Horsmanden from the Committee appointed to Prepare An Address to His Honour Brought in the Address

Ordered, that the Address be read

Which having been Read was Agreed to and

Ordered to be engrosed

The Engrossed Adress was read and agreed to which is in the words following

To the Honourable GEORGE CLARKE Esqr Lieutenant Governour and Commander in Chief of the Province of *New York* and Territories thereon depending &c

The Humble ADDRESS of the members of his Majesties Council for the said Province

May it Please your Honour,

We the members of his Majesties Council beg Leave to Return our thanks for your Honours Speech and to congratulate with you on the Birth of a Prince of his Majesties Royal and Illustrious House, an Event Propitious to the Protestant Interest in general and more Especially to his Majesties Dominions

Your Honours recommendation for Passing a Law for the Regulating and Returning able and sufficient Jurors is very seasonable and the matter itself absolutely necessary. We are sensible of the advantages which must arise from such a Law, which being duly digested and built upon the Plan of the English Laws, as agreeably thereto as the circumstances of this Country will admitt of, the People of this Province will Reap the ffruits of a Permanent security for their Lives, Liberties and Properties, ffor we are of opinion with your Honour such an Act should be Perpetual

We assure you, Sir, we shall most Redily and Chearfully concur in all measures for the advancement of his Majesties Honour and Interest in this Government and the welfare and Prosperity of the Province

Ordered, That the Speaker sign the same on Behalf of the Council

Ordered, that Mr Lane and Mr Horsmanden do wait upon his Honour to know when he will be pleased to have the Council attend him with their Address

Mr Lane and Mr Horsmanden being Returned Reported That they had waited on His Honour and that he was ready to recieve the Council Immediately

Then the Council accordingly waited on his Honour and Presented him their address To which his Honour was Pleased to Return the ffollowing Answer

Gentlemen

I thank you for this Address I am fully persuaded of your zeal for his Majesties Honour and service and for the welfare and prosperity of the Province and assure myself of your Best Assistance and Hearty Endeavours for both on all occasions

Ordered, that the Address with his Honours Answer thereto be forthwith Printed

Then the Council adjourned 'till Thursday next at 11 o'clock in the morning

Thursday the 12th *April*, 1739.

The Council mett according to adjournment

PRESENT — *The Honourable* ABRAHAM VAN HORNE, Esqr, Speaker,

ARCHIBALD KENNEDY,
JAMES DE LANCEY,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair

A Message from the Assembly by Collo Philipse with the Bill Entituled, An Act to Revive An Act Entituled, An Act to Prevent Swine from running at Large in the City and County of New York, the County of Westchester, Queens County, Kings County and Richmond County Desireing the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time and

Ordered a second reading

A Message from the Assembly by Collo Schuyler with the Bill Entituled, An Act for Reviving An Act Entituled, An Act for granting to his Majesty several Duties towards supporting his Government in this Colony for one year at the time and in the manner therein mentioned with some alterations thereto Desireing the Concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time and

Ordered a second Reading

Then the Council adjourned to 5 o'clock P. M.

Thursday, 12th *April*, 1739. P. M

The Council mett according to adjournment

PRESENT — *The Honourable* ABRAHAM VAN HORNE, Esqr, Speaker,

ARCHIBALD KENNEDY,
JAMES DE LANCEY,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair

The Bill Entituled, An Act to Revive An Act Entituled, An Act to Prevent Swine from running at large in the City and County of New York, the County of Westchester, Queens County, Kings County and Richmond County was read the second time and committed and

The Bill Entituled, An Act for Reviving An Act Entituled, An Act for granting to his Majesty several Duties towards Supporting his Government in this Colony for one year at the time and in the manner therein mentioned with some alterations thereto was read the second time and committed

Then the Council Resolved into a Committee to consider of the said two Bills

The Committee having duly weighed and considered of the same and being ready to make their Report thereon when the Council would please to receive the same

The Speaker resumed the Chair

Ordered, that the said Report be made Immediately

Then Mr De Lancey Chairman of the Committee to whom the said two Bills were referred in his place reported that the Committee had gone through the said two Bills and had directed him to Report the same without any Amendments

Which Report on the Question being put was agreed to and approved of

Ordered, that the said two Bills be read the third time

Ordered, that in regard there are but five of the Members of the Council now in Town, and that Mr Van Horne who is often ailing and not always able to attend In case he should not attend that the Speaker with any three of the members be empowered to ffinish the business now Depending before them

Then the Council adjourned 'till to morrow morning at 10 o'clock

Fryday the 13th *April*, 1739.

The Council mett according to adjournment

PRESENT — *The Honourable* ARCHIBALD KENNEDY, Esqr, Speaker,

JAMES DE LANCEY,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair

The two ffollowing Bills vizt The Bill Entituled, An Act to Revive An Act Entituled, An Act to Prevent Swine from Running at large in the City and County of New York, the County of Westchester, Queens County, Kings County and Richmond County and the Bill Entituled, An Act ffor reviving An Act Entituled, An Act for Granting to his Majesty Several Duties towards Supporting his Government in this Colony for one year at the time and in the manner therein mentioned with some alterations thereto were read the third time and

On the Question being put

Resolved, that the said two Bills do pass

Ordered, that the Deputy Clerk of the Council do acquaint the General Assembly therewith

Then the Council adjourned 'till tomorrow morning at 10 o'clock

Saturday the 14th *April*, 1739.

The Council mett according to adjournment

PRESENT — *The Honourable* ARCHIBALD KENNEDY, Esqr, Speaker,

JAMES DE LANCEY,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair

His Honour the Lieutenant Governour being come to the Council Chamber at the City Hall sent a Message by the Deputy Clerk of the Council to the General Assembly requireing their immediate attendance in order to their being Present at his Honours giveing his Assent to the two Bills past this Sessions

The General Assembly accordingly attended with their Speaker

Then his Honour in presence of the Council and of the General Assembly gave his Assent to the two ffollowing Bills vizt

The Bill Entituled, An Act to Revive An Act Entituled, An Act to prevent Swine from Running at Large in the City and County of New York, the County of Westchester, Queens County, Kings County and Richmond County. And

The Bill Entituled, An Act reviving An Act Entituled, An Act for granting to his Majesty several Duties towards supporting his Government in this Colony for one year at the time and in the manner therein mentioned with some alterations thereto

After which his Honour attended as usual caused the said two Bills to be Published at the City Hall

Then the Council Returned to the Council Chamber

PRESENT as before

The Speaker resumed the Chair

Ordered, that the minutes of this Session be perused and settled by Mr De Lancey and Mr Horsmanden before they are Entred

The General Assembly haveing had the Governours Leave to adjourn themselves to the ffourth Tuesday in August next

The Council therefore adjourned to the said ffourth Tuesday in August next

TWENTY-SECOND ASSEMBLY SECOND SESSION.

Att a Session *of the* Council *and* General Assembly *began at the City Hall in* New York, *on* Tuesday, *the* 28th Augt, 1739.

The General Assembly having been adjourned to this day
The Council met at the Council Chamber in the City Hall

PRESENT — *The Honourable* ARCHIBALD KENNEDY, Esqr, Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair
The Council adjourned 'till to morrow morning at 10 o'clock

Wednesday the 29th *Augt*, 1739.

The Council met according to adjournment

PRESENT — *The Honourable* ARCHIBALD KENNEDY, Esqr, Speaker

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair
His Honour attended as usual being come to the Council Chamber in the City Hall sent a Message by the Deputy Clerk of the Council to the General Assembly requiring their Immediate attendance
The General Assembly accordingly attending with their Speaker
His Honour made a speech to the Council and General Assembly and delivered one copy thereof to the Speaker of the Council and another copy to the Speaker of the General Assembly
After which His Honour returned to the Fort
Then the Speaker resumed the Chair
Ordered, that the Speech be read
Which having been read
Ordered, that the same be entered in the minnitts and is in the words following vizt

Gentlemen,

Att the opening of this Session I recommended to you many things of High Importance to His Majesties Honour and service, and the true Interest of the Province, which I hope you will now most seriously consider, and at the same time provide for the ffinishing of the Battery in this City, that before it be too late it may be put in such a condition as may secure you from the attempts of an Enemy The Mohauks are very uneasy that Fort Hunter has been so much neglected, and if it be not out of Hand rebuilt or repaired I fear they may take a resolution to leave their Country and go to Canada

As my thoughts are allways employed to make this a more fflourishing Country I have reflected on the Decay of Ship Building, which for many years has been much regretted but litle attempted to be retrieved

Nature has been very bountiful in giving you in a better measure than to your neighbours all things necessary for so beneficial a Branch of Trade, beneficial to all Degrees of men, and yet allmost wholly unthought of or neglected. I am not Ignorant that many causes may be assigned for it's decay, some of which and particularly one it is not in the power of the merchant or Builder at present to remove nor do I see any other way whereby a Remedy may be applyed than by your aid. If the Demands of the Builder be higher than in the neighbouring Provinces, the Merchant will not, cannot build here without injuring himself If the Builder undertake the work at the same Rate that is given in the neighouring provinces, he complaines and I fear with too much truth that he labours only to be undone for the excessive wages of Carpenters which he must be obliged to hire for want of apprentices runs away with his profit and he cannot

take apprentices being unable in his present poverty to maintain them] It is you alone who can apply a Remedy to this Evil and you may do it at a very small annual Expence ffor I am perswaded that two hundred pounds a year given to Ship Building with apprentices at the rate of Eight pounds a year with each apprentice for six or seven years will soon revive that necessary and usefull work It will make Ship Builders willing to take apprentices enable them in their present necessities to maintain them and to build for the merchant at as low a Rate as in the neighbouring provinces And from such a nursery of Ship Carpenters you may in a reasonable time hope to see that branch of Trade grow to a great Height You will then keep among you many Thousand pounds, which are now yearly exported out of the province by your neighbours who are at present your Carriers It will enable the Merchants and Factors to make quicker Remittances to England and give new Life and vigour to Trade in general The good Effects whereof every man in the Province will soon feel, nor will any part of the money thus given by you be lost to the province since it will all remain and circulate in it Something is absolutely necessary to be done to revive this withering branch of Trade, and if you can fall upon any method more easy, more practicable and more conducive to that end I will most heartily concurr with you in it Your own Immediate Interest requires a speedy and effectual Remedy and I hope you will not let this Session wear away without applying it

Gentlemen.

The Governor of the Province of the Massachusetts Bay having sent me a vote of the Assembly of that Province and wrote to me himself Signifying his and their Desire to have the boundarys of the two provinces Settled by Commissioners I now lay those papers before you Hoping that you will enable me to defray the Expence of that work on the part of this province That the people of the Massachusetts may be confined within their proper Bounds The Peace on the ffrontiers preserved and the Inhabitants of those parts know more precisely to whom they owe their obedience, If you do this it will be necessary that a Law be past in each province to make the agreement of the Commissioners conclusive to both and when I know your Resolutions I will write to the Governor of the Massachusetts upon it

The Soldiers in the respective Garrisons being at present, without Bedding, Kettles, Bowls or platters I earnestly recommend it to you to make at this juncture some provision for it as well as for powder 'till stores are sent from England

GEO CLARKE

1739 *Aug*^{t} 29th

Ordered, that His Honour's Speech be taken into Consideration at the next meeting, and that a copy thereof be made out for and delivered to the printer, in order to be published

Ordered, that the Deputy Clerk of the Council do Write to all the absent members requiring their Immediate attendance at this Board

Then the Council adjourned 'till to morrow morning at 11 o'clock

Thursday the 30th *day of Aug*^{t}, 1739.

The Council met according to adjournment

PRESENT — *The Honourable* ARCHIBALD KENNEDY, Esqr, Speaker,
JAMES DE LANCEY,
PHILIP CORTLANDT,
DAN^{l} HORSMANDEN, Esq^{rs}.

The Speaker assumed the Chair

The Council adjourned 'till Monday next at 4 o'clock in the Afternoon

Monday the 3^{d} *September*, 1739.

The Council met according to adjournment

PRESENT— *The Honourable* JAMES DE LANCEY, Esqr, Speaker,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esq^{rs}.

The Speaker assumed the Chair

The Council adjourned 'till Thursday next at 11 o'clock in the morning

Thursday the 6th *September*, 1739.

The Council met according to adjournment

PRESENT — *The Honourable* ARCHIBALD KENNEDY, Esqr, Speaker,

HENRY LANE,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair
The Council adjourned 'till to morrow morning 11 o'clock

Fryday the 7th *Septembr*, 1739.

The Council met according to adjournment

PRESENT — *The Honorable* ARCHIBALD KENNEDY, Esqr, Speaker,

PHILIP CORTLANDT,
HENRY LANE, Esqrs.

The Speaker assumed the Chair
The Council adjourned 'till Thursday next at 11 o'clock in the morning

Thursday the 13th *Septembr*, 1739.

The Council met according to adjournment

PRESENT — *The Honourable* PHILIP CORTLANDT, Esqr, Speaker,

HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair
The Council adjourned 'till to morrow morning at 11 o'clock

Fryday the 14th *Septembr*, 1739.

The Council met according to adjournment

PRESENT — *The Honorable* ARCHIBALD KENNEDY, Esqr, Speaker,

PHILIP CORTLANDT,
HENRY LANE, Esqrs.

The Speaker assumed the Chair
The Council adjourned 'till Tuesday next at 11 o'clock in the morning

Tuesday the 18th *Septembr*, 1739.

The Council met according to adjournment

PRESENT — *The Honourable* ARCHIBALD KENNEDY, Esqr, Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair
A Message from the Assembly by Coll Renslear with the Bill entitled, An Act to regulate the Militia of this Colony Desiring the concurrence of the Council thereto

Ordered, that the said Bill be read
Then the said Bill was read the ffirst time and
Ordered a second Reading
A Message from the Assembly by Coll Philipse with the Bill entitled, An Act further to continue the Duty of Excise and the currency of the Bills of Credit Emitted thereon during the time therein mentioned Desiring the concurrence of the Council thereto
Ordered, that the said Bill be read
Then the said Bill was read the ffirst time and
Ordered, a second reading
Then the Council adjourned 'till Thursday next at 11 o'clock in the morning

Thursday the 20th *Sepr*, 1739.

The Council met according to adjournment

PRESENT — *The Honourable* ARCHIBALD KENNEDY, Esq, Speaker,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair
The Bill Entitled, An Act to regulate the Militia of this Colony was read a second time and committed to the Gentlemen of the Council or any five of them
The Bill Entitled, An Act to Continue the Duty of Excise and the Currency of the Bills of Credit emitted thereon, during the time therein mentioned was read a second time and committed to the Gentlemen of the Council or any ffive of them
Then the Council adjourned 'till 3 o'clock P. M.

Thursday the 20th *Septr*, 1739. P. M.

The Council met according to adjournment

PRESENT — *The Honourable* ARCHIBALD KENNEDY, Esqr, Speaker,
PHILIP CORTLANDT,
HENRY LANE, Esqrs.

The Speaker assumed the Chair
The Council adjourned 'till Monday next at 10 o'clock in the morning

Monday the 24th *of Septembr*, 1739.

The Council met according to adjournment.

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,
ARCHIBALD KENNEDY,
JAMES DE LANCEY,
HENRY LANE,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair
Then the Council resolved into a Committee to consider of the two following Bills vizt
The Bill entitled, An Act to regulate the Militia of this Colony and
The Bill entitled, An Act further to continue the Duty of Excise and the Currency of Bills of Credit emitted thereon, during the time therein mentioned
The Committee having duly weighed & considered of the same and being ready to make their Report thereon when the Council would please to receive the same
The Speaker resumed the Chair
Ordered, that the said Report be made Immediately

Then Mr Horsmanden Chairman of the Commitee (To whom the said two Bills were referred) in his place reported that the Committee had gone through the said two Bills and had directed him to report the same without any amendments

Which Report on the question being put was agreed to and approved of

Ordered, that the said two Bills be read the third time

Then the Council adjourned 'till Monday next at 10 o'clock in the morning

Monday the 1st *October*, 1739.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

ARCHIBALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair

The two following Bills vizt The Bill Entitled, An Act to regulate the Militia of this Colony and the Bill Entitled, An Act further to continue the Duty of Excise and the Currency of the Bills of Credit emitted thereon during the time therein mentioned, were read the third time and on the question being put

Resolved, that the said two Bills do pass

A Message from the Assembly by Mr Clarkson with the Bill entitled, An Act for compleating and building the ffortifications and other the purposes therein mentioned for the defence and security of this Colony Desiring the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the ffirst time and

Ordered, a second reading

The Council adjourned 'till Wednesday next at 10 o'clock in the morning

Wednesday the 3d *October*, 1739.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

ARCHIBALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair

His Honour the Lieutenant Governor being come to the Council Chamber at the City Hall sent a Message by the Deputy Clerk of the Council to the General Assembly requiring their Immediate attendance

The General Assembly accordingly attending with their Speaker

His Honour in presence of the Council and the said General Assembly gave his Assent to the Bill Entitled,

An Act to regulate the Militia of this Colony

After which His Honor in the usual manner caused the said Bill to be published at the City Hall

Then His Honour together with the Gentlemen of the Council and the members of the General Assembly returned to the Council Chamber at the City Hall

When His Honour made a speech to both Houses and having thereby prorogued them to the 9th day of October instant His Honour attended as usual returned to the ffort

Then the Speaker resumed the Chair

Ordered, that His Honour's speech be entered in the Minnitts and forthwith printed

Which is in the words following vizt

Gentlemen,

I come to put an End to this Session and to give you a short recess. I was in hopes, and I believe every reasonable man expected, that at this Juncture you would seriously have laid to

heart the true Interest of your Country by showing your Duty & Loyalty to his Majesty in supporting his Governm^t in an honourable manner, from whence you might assuredly expect my assent to such good Laws as you might prepare for it Your constitution is built upon a plan as nearly resembling that of England, as the nature of the thing would admit of: Why would you not then tread in the steps of a British Parliament? Wise men make choice of the best examples for their conduct, you cannot have a greater or better, nor can your wisdom be more conspicuous than in taking that of a British Parliament; who, tho' they have ever been Jealous of the rights & Liberties of the People, yet, have always been zealous & forward to support the Government that protects them, They look upon the obligations to be reciprocal and as they expect protection so in the first place they support the Government, that it may be able to give it to them; They know the rights and Prerogatives of the Crown, nor do they attempt to Invade them; They give a gross sum for the Civil List, which is here called a Revenue for the support of Government They appropriate it to that use, but do not touch upon the application, or Disposition of it, that being the legal & known prerogative of the Crown, and the Dificiencies are made good in the like manner. That you may have time to reflect seriously on these things, I have thought fit to prorogue you to the ninth day of this present month of October, and I do accordingly prorogue you to the ninth day of this present month of October on which day you are to meet at the City Hall & proceed on business The Government having been long without a support, and the people wanting many things for their convenience; These ought to go & must go hand in hand: A proper Revenue is the sinews of Government, but if it wants strength, how can it give protection?

GEO CLARKE

New York, October the 3^d 1739

TWENTY-SECOND ASSEMBLY THIRD SESSION

Att a Session *of the* Council *and* General Assembly *began at the City Hall in* New York, *on* Tuesday *the ninth day of* October, 1739.

His Honour having on the third instant prorogued the General Assembly to this day
The Council met at the Council Chamber at the City Hall

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

ARCHIBALD KENNEDY,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DAN^l HORSMANDEN, Esq^rs.

The Speaker assumed the Chair

His Honour the Lieutenant Governor being come to the Council Chamber at the City Hall sent a Message by the Deputy Clerk of the Council to the General Assembly requiring their Immediate attendance

The General Assembly accordingly attending with their Speaker

His Honour made a Speech to the Council and General Assembly and delivered one copy thereof to the Speaker of the Council, and another copy to the Speaker of the General Assembly

After which His Hon^r attended as usual returned to the Fort

Then the Speaker resumed the Chair

Ordered, that the Speech be read. Which having been read

Ordered, that the same be forthwith printed and entered in the Minnitts which is in the words following vizt

Gentlemen.

The short prorogation you have had being intended to give you an opportunity to reconsider those Things which at your last Siting I recommended to you for his Majesties Honor, and the Interest of the Province, I will not give you the trouble of a repetition but referr you to them;

hoping that you will effectually provide for them, wherein, as well as in all other Things for the benefit of the Province you shall find my ready concurrence

GEO CLARKE

the 9th *October* 1739

Then the Council adjourned 'till ffryday next at 11 o'clock in the morning

Fryday the 12th *October*, 1739.

The Council mett according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHIBALD KENNEDY,
JAMES DE LANCEY,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair
The Council adjourned 'till Wednesday next at 11 o'clock in the morning

Wednesday the 17th *Octr*, 1739.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHIBALD KENNEDY,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair
A Message from the General Assembly by Coll Moore with the Bill Entitled, An Act for Compleating and building the ffortifications and other the purposes therein mentioned for the Defence and Security of this Colony Desiring the Concurrence of the Council thereto
Ordered, that the said Bill be read
Then the said Bill was read the 1st time and
Ordered a second reading
A Message from the General Assembly by Mr Roome with the Bill Entitled, An Act further to continue the Dutys of Excise and the Currency of the Bills of Credit emitted thereon, and to Strike some new Bills for Exchanging such old ones as are or may be unfitt to circulate Desiring the concurrence of the Council thereto
Ordered, that the said Bill be read
Then the said Bill was read the ffirst time and
Ordered a second reading
Ordered, that all the raisures and Interlineations that shall appear in any Bills past the General Assembly and now or hereafter to be brought to the Council for their concurrence be particularly taken notice of and entered in the minnitts and
Ordered, that this be among the Standing Orders of this Board
Then the Council adjourned 'till to morrow morn 11 o'clock

Thursday the 18th *Octr*, 1739.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHIBALD KENNEDY,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair
The Council adjourned 'till to morrow at 4 o'clock Post Meridiem

Fryday the 19th *Octob*r, 1739.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHIBALD KENNEDY,
HENRY LANE,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair

The Bill entitled, An Act for compleating and building the ffortifications and other the purposes therein mentioned for the Defence and Security of this Colony was read a second time and committed to the Gentlemen of the Council or any five of them

The Bill entitled, An Act further to continue the Duty of Excise and the Currency of the Bills of Credit emitted thereon and to Strike some new Bills for exchanging such old ones as are or may be unfit to circulate was read a second time and committed to the Gentmn of the Council or any five of them

A Message from the Assembly by Mr Nicoll with the Bill Entitled, An Act towards the further Supporting the Governmt of this Colony untill the ffirst day of December which will be in the year one thousand Seven hundred and ffourty by continuing the Dutys granted and continued by the two Acts therein mentioned Desiring the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the ffirst time and

Ordered a second reading

Mr Horsmanden having informed the Council that in the eighth year of his Māties Reign An Act of General Assembly of this province had been past for the partition and Division of a certain Tract of Land in Dutchess County granted to Samson Broughton and others which in some material points was defective and insufficient to answer the Ends intended by it, ffor that the partys co'd not make severance and partition thereof in such manner as the Law in such cases required

He therefore presented a Bill entitled, An Act to remedy some defects in and to Explain & Amend An Act past in the Eighth year of his Majesties Reign Entitled, An Act for partition and Division of a Certain Tract of Land in Dutchess County granted to Sampson Broughton, Rip Van Dam, Thomas Wenham, Roger Mompesson, Peter ffauconnier, Augustine Graham, Richard Sacckett and Robert Lurting

Ordered, that the Said Bill be read

Then the said Bill was read the ffirst time and

Ordered a Second Reading

Then the Council adjourned 'till Monday next at 3 o'clock P. M.

Monday the 22d *October*, 1739. P. M.

The Council met according to adjournment

PRESENT — *The Honorable* CADWALLADER COLDEN, Esqr, Speaker,

ARCHIBALD KENNEDY,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair

The Deputy Clerk of this Board laid before them An Account of the several Raisures and Interlineations in the Bills as brought from the General Assembly to this Board for their Concurrence and now depending before them Which having been perused and examined

Ordered, that the same be entered in the Minnitts and are as follows vizt

The several Raisures and the words in their stead made and inserted in the Bill entitled, An Act for Compleating and building the ffortifications and other the purposes therein mentioned for the security and defence of this Colony (to witt)

In pa 2 of Bill line the 2d the words (and Captain Cornelius De Peyster) wrote after raisure

In same pa Line 9th a raisure made from the Word (Earth) to the Word (twenty) in the 10th line and instead thereof the following words are wrote after raisure to witt (sand or other proper materials round the Inside about)

In same page line the 16th the word (Engines) wrote after raisure. line the 17th a raisure made from the word (make) to the word (to) in the next line, and in that raisure are Inserted these words to witt Of Sods so much of the parapet as shall be judged proper and when that is done)

In pa 3 line the 15th the word (unto) wrote after raisure In pa 4 line the 8th a raisure made from the word (pence) to the word (Commissioners) in the same line and instead thereof the following words are wrote after Raisure to witt (and of the money so to be received by the said)

In pa 6 line the 3d the words (of all) wrote after raisure In line 13th of same page the word (herein) wrote after raisure

In pa 9 line the 5th part of the word (recovered) wrote after raisure, and in same page line the 19th a raisure made from the word (the) to the word (Indians) in the same line, and instead thereof the words (Sachems and other) wrote after raisure and from the said word (Indians) in the said 19th line to the word (from) in the next line, a Raisure made and therein the following words are written (towitt) (of the Seneca's Nation have posted themselves at Tierondequat to prevent the ffrench)

In pa 10 line the 3d the words (the sole use and) wrote after raisure, and in line the 11th of same page the words (before mentioned in at the end of that line are wrote after Raisure

The Several Raisures and the words in their stead made and inserted in the Bill entitled, An Act further to continue the Duty of Excise and the Currency of the Bills of Credit emitted thereon, and to strike some new Bills for exchanging such old ones as are or may be unfitt to circulate vizt

In pa 6 line the 16th the word (members) wrote after Raisure and at the end of the next line the word (Second) wrote after raisure

In pa 8 line the 20th the words (20th October 1739) wrote in figures after raisure

In pa 10 line the 7th a raisure made from the word (and) to the word (to) in the same line

In pa 12 line the 7th the words (to the like Reward) wrote after raisure

In pa 16 line the 8th the words (the time) wrote after raisure

In pa 17 line the 18th the words (forged Counterfeited or) wrote after raisure

The Several Raisures and the words (in their stead) made and inserted in the Bill entitled, An Act towards the further supporting the Government of this Colony untill the ffirst day of December which will be in the year One Thousand Seven hundred and fforty by Continuing the Dutys granted and continued by the two Acts therein mentioned vizt

In pa 2 line the 12th the word (whereas) wrote after Raisure

In pa 3 line the 14th the words (secured to) wrote after raisure

In pa 5 line the 5th the words of wine wrote after raisure

Then the Council adjourned 'till Wednesday next at 3 o'clock P. M.

Wednesday the 24th *October*, 1739. P. M.

The Council met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
ARCHIBALD KENNEDY,
JAMES DE LANCEY,
HENRY LANE,
DANIEL HORSMANDEN, Esq^rs.

The Speaker assumed the Chair

The Bill entitled, An Act towards the further Supporting the Government of this Colony until the ffirst day of December which will be in the year One Thousand Seven hundred and fforty by continuing the Dutys granted and continued by the two Acts therein mentioned was read a second time and committed to the Gentlemen of the Council or any five of them

The Bill entitled, An Act to remedy some Defects in and to explain and amend An Act past in the Eighth year of His Majesties Reign Entitled, An Act for partition and division of a certain Tract of Land in Dutchess County granted to Sampson Broughton, Rip Van Dam, Thomas Wenham, Roger Mompesson, Peter ffauconnier, Augustine Graham, Richard Sackett and Robert Lurting was read a second time and committed to the Gentlemen of the Council or any five of them

The Council resolved into a Committee to consider of the two following Bills vizt

The Bill entitled, An Act for compleating & building the ffortifications and other the purposes therein mentioned for the Defence and Security of this Colony

The Bill entitled, An Act further to continue the Duty of Excise and the Currency of the Bills of Credit emitted thereon, and to strike some new Bills for exchanging such old ones as are or may be unfit to circulate

The Committee having duely weighed & considered the same and being ready to make their Report thereon when the Council wo'd please to receive the same

The Speaker resumed the Chair

Ordered, that the said Report be made Immediately

Then Mr Horsmanden (Chairman of the Committee to whom the said two Bills were referred) in his place reported that the Committee had gone through the said two Bills and had directed him to report the same without any amendments

Which Report on the Question being put was agreed to and approved of

Ordered, that the said two Bills be read the 3d time

Then the said two Bills were read the third time and

On the Question being put

Resolved, that the said two Bills do pass

Ordered, that Doctor Colden have leave to be absent his own affaires requiring his Immediate attendance at Home

Then the Council adjourned 'till 3 o'clock P. M.

Wednesday the 24th *Octobr*, 1739. P. M.

The Council met according to adjournment

PRESENT — *The Honourable* PHILIP LIVINGSTON, Esqr, Speaker,

ARCHIBALD KENNEDY,
JAMES DE LANCEY,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair

Mr Horsmanden Chairman of the Committee (to whom was committed the Bill entitled, An Act towards the further supporting the Government of this Colony untill the ffirst day of December which will be in the year one Thousand seven hundred and fforty by continuing the Dutys granted and continued by the two Acts therein mentioned, in his place reported that the Committee having duely weighed and considered the said Bill had directed him to report the same without any amendments

Which report on the question being put was agreed to and approved of

Ordered, that the said Bill be read the third time

Then the Council adjourned 'till to morrow morning at 10 o'clock

Thursday, the 25th *Octobr*, 1739.

The Council met according to adjournment

PRESENT — *The Honorable* PHILIP LIVINGSTON, Esqr, Speaker,

ARCHIBALD KENNEDY,
JAMES DE LANCEY,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair

Ordered, that the Honble Danl Horsmanden do acquaint the General Assembly that the Council have past the two following Bills without any amendment vizt

The Bill entitled, An Act for compleating and building the ffortifications and other the purposes therein mentioned for the defence and security of this Colony

The Bill entitled, An Act further to continue the Duty of Excise and the Currency of the Bills of Credit emitted thereon and to strike some new Bills for exchanging such old ones as are or may be unfit to circulate

His Honour the Lieutenant Governor being come to the Council Chamber at the City Hall sent a Message by the Deputy Clerk of the Council to the General Assembly requiring their Immediate attendance

The General Assembly accordingly attending with their Speaker and His Honour having exprest himself to the Gentlemen of the Council and of the General Assembly that he came to give his Assent to the Bills that were ready for it as the Highest Instance he co'd give of his care for the credit and wellfare of the Colony and of the confidence he had in their Honour

He afterwards in presence of the Council and General Assembly gave his Assent to the ffortification Bill and the Bill for continuing the Duty of Excise &c as the same are above particularly mentioned And afterwards caused the said two Bills to be published at the City Hall in the usual manner

Then His Honour attended as usual returned to the ffort

After which the Gentlemen of the Council returned to the Council Chamber at the City Hall

The Speaker resumed the Chair

The Bill entitled, An Act towards the further supporting the Government of this Colony untill the ffirst day of December which will be in the year one thousand seven hundred and fforty by continuing the Dutys granted and continued by the two Acts therein mentioned was read the third time

And on the Question being put

Resolved, that the said Bill do pass

Ordered, that the Honble Daniel Horsmanden Esqr do accquaint the General Assembly that the Council have past the said Bill without any amendment

Mr Horsmanden Chairman of the Committee (to whom was referred the Bill entitled, An Act to remedy some defects in and to explain and amend An Act past in the Eighth year of His Majesties Reign entitled, An Act for the Partition and Division of a certain Tract of Land in Dutchess County granted to Sampson Broughton, Rip Van Dam, Thomas Wenham, Roger Mompesson, Peter ffaconnier, Augustine Graham, Richard Sacckett and Robert Lurting) in his place reported that the Committee had duely weighed and considered the same and had directed him to report it without any amendment

Which Report on the question being put was agreed to and approved of

Ordered, that the said Bill be read the third time

Then the said Bill was read the third time and

On the Question being put

Resolved, that the said Bill do pass

Ordered, that the Honble Daniel Horsmanden Esqr do carry the said Bill to the General Assembly and desire their concurrence therewith

Then the Council adjourned 'till Wednesday next at 11 o'clock in the morning

Wednesday the 31st *October*, 1739.

The Council met according to adjournment.

PRESENT — *The Honorable* ARCHIBALD KENNEDY, Esqr, Speaker,
HENRY LANE,
PHILIP CORTLANDT, Esq^rs^.

The Speaker assumed the Chair

The Council adjourned till ffryday next at 11 o'clock in the morning

Fryday the 2^d^ *Novemb^r^*, 1739.

The Council met according to adjournment

PRESENT — *The Honourable* PHILIP LIVINGSTON, Esqr, Speaker,
ARCHIBALD KENNEDY,
JAMES DE LANCEY.
PHILIP CORTLANDT,
DANIEL HORSMANDEN, Esq^rs^.

The Speaker assumed the Chair

A Message by Coll Schuyler and Captain Bradt with the Bill entitled, An Act to raise in the Township of Schenectade a sum not exceeding thirty two pounds for the use therein mentioned Desiring the Concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the ffirst time and

Ordered a second reading

A Message from the Assembly by Captn Winne and Captain Bradt with the Bill entitled, An Act to revive An Act entitled An Act to empower the Justices of the peace in the County of Albany living or dwelling in the Town of Schanactade in the said County to regulate the Streets and Highways and to prevent accident by ffire in the said Town Desiring the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the ffirst time and

Ordered a second reading

A Message from the Assembly by Mr Ludlow & Mr Gale with the Bill Entitled, An Act for raising in the South part of Orange County a sum not exceeding one hundred pounds for ffinishing and compleating the Court House and Goal in Orange Town Desiring the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the ffirst time and

Ordered a second reading

Note, that on reading the above Bill the following Raisures and the words inserted in their stead appeared to have been made vizt

In pa 2 line the 1st The word (Governor) wrote after raisure, line the 11th the words (the sum of one hundred pounds) wrote after raisure

Then the Council adjourned 'till Tuesday next at 11 o'clock in the morning

Tuesday the 6th *Novemb^r*, 1739.

The Council met according to adjournment

PRESENT — *The Honourable* PHILIP LIVINGSTON, Esqr, Speaker,

ARCHIBALD KENNEDY,
JAMES DE LANCEY,
HENRY LANE,
DANIEL HORSMANDEN, Esq^rs.

The Speaker assumed the Chair

The Bill entitled, An Act to raise in the Township of Schanegtade a sum not exceeding thirty two pounds for the use therein mentioned was read a second time and committed to the Gentlemen of the Council or any five of them

The Bill entitled, An Act to revive An Act entitled, An Act to empower the Justices of the peace in the County of Albany living or dwelling in the Town of Schanactade in the said County to regulate the Streets and Highways and to prevent accidents by ffire in the said Town was read a second time and committed to the Gentlemen of the Council or any five of them

The Bill entitled, An Act for raising in the south part of Orange County a sum not exceeding one hundred pounds for ffinishing and compleating the Court House & Goal in Orange Town was read a Second time and committed to the Gentlemen of the Council or any five of them

Then the Council resolved into a Committee to consider of the said three Bills

The Committee having duely weighed and considered of the same and being ready to make their report thereon when the Council wo'd please to receive the same

The Speaker resumed the Chair

Ordered, that the said Report be made Immediately

Then Mr Horsmanden Chairman of the Committee to whom the said three Bills were referred in his place reported that the Committee had gone through the said three Bills and had directed him to report the same without any amendments

Which report on the question being put was agreed to and approved of

Ordered, that the said three Bills be read the third time

Then the Council adjourned 'till to morrow at 11 o'clock in the morning

Wednesday the 7th Novr, 1739.

The Council met according to adjournment.

PRESENT — *The Honourable* PHILIP LIVINGSTON, Esqr, Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair

The three following Bills vizt The Bill entitled, An Act to raise in the Township of Schanegtade a sum not exceeding thirty two pounds for the use therein mentioned. The Bill entitled, An Act to revive An Act entitled. An Act to empower the Justices of the Peace in the County of Albany living or dwelling in the Town of Schanactade in the said County to regulate the Streets and Highways and to prevent accidents by ffire in the said Town The Bill entitled, An Act for raising in the south part of Orange County a sum not exceeding one hundred pounds for ffinishing and compleating the Court House and Goal in Orange Town were read the third time and

On the question being put

Resolved, that the said three Bills do pass

Ordered, that as to the ffirst of the said three Bills the Honble Daniel Horsmanden Esqr do acquaint the General Assembly that the Council have past the said Bill without any amendment And as to the other two Bills that the Honble Henry Lane and Philip Cortlandt Esqrs do also severally acquaint the General Assembly that the Council have likewise past the said two Bills without any amendments

A Message from the Assembly by Mr Nicoll and Mr Cornell with the Bill entitled, An Act to revive An Act Entitled, An Act for the Encouragement of Whaling Desiring the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the ffirst time and

Ordered a second reading

A Message from the Assembly by Mr Nicoll and Collonel J Lott with the Bill entitled, An Act to continue An Act entitled, An Act to prevent the Destruction of Sheep by Doggs Desiring the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the ffirst time and

Ordered a second reading

Note, that in this Bill consisting of one page only as brought to the Council in the 5th line the words (next and) are written after raisure

Then the Council adjourned 'till to morrow at 11 o'clock in the morning

Thursday the 8th Novr, 1739.

The Council met according to adjournment

PRESENT — *The Honourable* PHILIP LIVINGSTON, Esqr, Speaker,

ARCHIBALD KENNEDY,
JAMES DE LANCEY,
HENRY LANE,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair

A Message from the General Assembly by Mr Clarkson and Mr Jones with the Bill entitled, An Act to apply the moneys granted for the support of this Government as well for discharging the sallaries and contingencies that have accrued allready as those that will become due by the ffirst day of September One Thousand seven hundred and fforty Desiring the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the ffirst time and

Ordered a Second reading

Note, that the several raisures made in this Bill and the words inserted in their stead as the same has been brought to the Council for their Concurrence are as follows vizt

In pa 2d line the 16th the words (as soon as a copy of this Act shall be printed) are written after raisure
In pa 5 line the 7th the words (day of) wrote after raisure
line the 12th the word (sixty) wrote after raisure
line the 13th the word (pounds) wrote after raisure
In pa 6 line the 22d the words (one days at) wrote after raisure

The Bill entitled, An Act to revive An Act entitled, An Act for the Encouragement of Whaling was read a Second time and Committed to the Gentlemen of the Council or any five of them

The Bill entitled, An Act to Continue An Act entitled, An Act to prevent the destruction of Sheep by Doggs was read a Second time and Committed to the Gentlemen of the Council or any ffive of them

Then the Council resolved into a Committee to Consider of the said two Bills

The Committee having duely weighed and Considered of the Same and being ready to make their Report thereon when the Council wo'd please to receive the Same

The Speaker resumed the Chair

Ordered, that the said Report be made Immediately

Then Mr Horsmanden Chairman of the Committee to whom the Said two Bills were referred in his place reported that the Committee had gone through the Said two Bills and had directed him to report the Same without Any Amendments

Which Report on the question being put was agreed to and approved of

Ordered, that the Said two Bill be read the third time

Then the Council adjourned 'till to morrow morning at 11 o'clock

Fryday the 9th *Novemb*r, 1739.

The Council met according to adjournment

PRESENT — *The Honorable* ARCHIBALD KENNEDY, Esqr, Speaker,
JAMES DE LANCEY,
HENRY LANE, Esqrs.

The Speaker assumed the Chair

The Council adjourned 'till to morrow morning at 11 o'clock

Saturday the 10th *Nov*r, 1739.

The Council met according to adjournment

PRESENT — *The Honourable* ARCHIBALD KENNEDY, Esqr, Speaker,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair

The Bill entitled, An Act to revive An Act entitled, An Act for the Encouragement of Whaling was read the third time and on the question being put

Resolved, that the said Bill do pass

Ordered, that the Honble Philip Cortlandt Esqr do Accquaint the General Assembly that the Council have past the Said Bill without Any Amendment

The Bill entitled, An Act to Continue An Act entitled, An Act to prevent the destruction of Sheep by Doggs was read the third time and on the question being put

Resolved, that the Said Bill do pass

Ordered, That the Honble Danl Horsmanden Esqr do accquaint the General Assembly That the Council have past the said Bill without any amendment

The Bill entitled, An Act to apply the monies granted for the support of this Government as well for discharging the sallaries and contingencies that have accrued allready as those that will become due by the ffirst day of September One Thousand seven hundred and fforty was read a second time and committed to the Gentlemen of the Council or any ffive of them

Then the Council resolved into a committee to consider of the said Bill

The Committee having duely weighed and considered of the same and being ready to make their Report thereon when the Council wo'd please to receive the same

The Speaker resumed the Chair

Ordered, that the said Report be made Immediately

Then Mr Horsmanden Chairman of the Committee to whom the said Bill was referred in his place reported that the Committee had gone through the said Bill & had directed him to report the same without any amendment

Which Report on the question being put was agreed to and approved of

Ordered, that the said Bill be read the third time

Forasmuch as the Council have now no material business depending before them and some of them having had leave of absence It is therefore

Ordered, that any three of the Council be empowered to ffinish the business now depending, or which during the remainder of this Session shall be brought before them In case there sho'd happen no greater number to be met

Then the Council adjourned till Tuesday next at 11 o'clock in the morning

Tuesday the 13th *of Novemb*r, 1739.

The Council met according to adjournment

PRESENT — *The Honorable* ARCHIBALD KENNEDY, Esqr, Speaker,

HENRY LANE,
DANl HORSMANDEN, Esqrs.

The Speaker Assumed the Chair

The Bill entitled, An Act to apply the monies granted for the support of this Government as well for discharging the Sallaries & contingencies that have accrued allready as those that will become due by the ffirst day of September One Thousand seven hundred and fforty was read the third time and

On the question being put

Resolved, that the said Bill do pass

Ordered, that the Honourable Philip Cortlandt Esqr do accquaint the General Assembly that the Council have past the said Bill without any amendment

A Message from the Assembly by Mr Cornell & Mr Hardenburgh with the Bill entitled, An Act letting to ffarm the Excise on Strong Liquors retailed in this Colony for the time and to the purposes therein mentioned Desiring the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the ffirst time and

Ordered a second reading

The Raisure in this Bill as brought to the Council is as follows In pa 4 line the 4th a raisure made from the word (Judge) to the word (or) at the end of that line and the following words vizt (or Judges before whom such Recognizance) are written after raisure

A Message from the Assembly by Mr Abraham Lott and Mr Stillwell with the Bill entitled, An Act for reviving An Act entitled, An Act for regulating ffences for the several citys and countys within this Colony of New York Desiring the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the ffirst time and

Ordered a second reading

Then the Council adjourned 'till to morrow morning 11 o'clock

Wednesday the 14th *Novemb*r, 1739.

The Council met according to adjournment

PRESENT — *The Honorable* ARCHIBALD KENNEDY, Esqr, Speaker,

PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair

The Bill entitled, An Act letting to ffarm the Excise of Strong Liquors retailed in this Colony for the time and to the persons therein mentioned was read a second time and committed to the Gentlemen of the Council or any three of them

The Bill entitled, An Act for reviving An Act entitled, An Act for regulating ffences for the several Citys & Countys within this Colony of New York was read a second time and committed to the Gentlemen of the Council or any three of them

Then the Council resolved into a Committee to consider of the said two Bills

The Committee having duely weighed & considered of the same and being ready to make their report thereon when the Council wo'd please to receive the same

The Speaker resumed the Chair

Ordered, that the said Report be made Immediately

Then Mr Horsmanden Chairman of the Committee to whom the said two Bills were referred in his place reported that the Committee had gone through the said two Bills and had directed him to report the same without any amendments

Which Report on the question being put was agreed to and approved of

Ordered, That the said two Bills be read the third time

A Message from the Assembly by Mr Peirson & Mr Nicoll with the Bill entitled, An Act to continue An Act entitled, An Act for the better clearing regulating and further laying out publick High Ways in the County of Suffolk with some additions thereto Desiring the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the ffirst time and

Ordered a second reading

In the above Bill as brought to the Council for their concurrence the words (Act entitled) in the title of the Act, are written after raisure, and in same page line the 10th the word (full) wrote after raisure, And in pa 2 line the 3d a small raisure made from the word (and) to the word (entitled)

A Message from the Assembly by Mr Nicoll & Mr Peirson with the Bill entitled, An Act to enable the Inhabitants of Brookhaven in the County of Suffolk to elect two constables at the places therein mentioned Desiring the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the ffirst time and

Ordered, a second reading

In this Bill as brought to the Council for their concurrence in line the 3d the words (of the) are written after raisure, and in line the 11th the word (times) wrote after raisure

A Message from the Assembly by Mr Le Count and Coll Johannes Lott with the Bill entitled, An Act for the further continuing An Act entitled, An Act for the better clearing regulating and further laying out publick High Ways in Kings County, Queens County, Richmond County and Orange County with some additions thereto Desiring the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the ffirst time and

Ordered a second reading

A Message from the Assembly by Mr Jones and Mr Gale with the Bill entitled, An Act for the further continuing An Act entitled, An Act to prevent the setting on fire or burning the old grass on Hamstead plains with an addition thereto Desiring the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was Read the ffirst time and

Ordered a second reading

In this Bill pa 1. line the 20th the words (Jonathan Rowland) are written after raisure

A Message from the Assembly by Mr Peirson and Mr Nicoll with the Bill entitled, An Act to encourage the destroying of Wild Catts and for the preservation of Deer in the County of Suffolk Desiring the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the ffirst time and

Ordered a second reading

Then the Council adjourned 'till to morrow morning at 11 o'clock

Thursday the 15th *Novemb*r, 1739.

The Council met according to adjournment

PRESENT — *The Honorable* ARCHIBALD KENNEDY, Esqr, Speaker,

PHILIP CORTLANDT,
HENRY LANE,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair

The Bill entitled, An Act letting to ffarm the Excise on Strong Liquors retailed in this Colony for the time and to the persons therein mentioned, Was read the third time and

On the Question being put

Resolved, that the said Bill do pass

Ordered, that the Honble Philip Cortlandt Esqr do accquaint the General Assembly that the Council have past the said Bill without any amendment

The Bill entitled, An Act for reviving An Act entitled, An Act for regulating ffences for the several Citys & Countys within this Colony of New York was read the third time and

On the Question being put

Resolved, that the said Bill do pass

Ordered, that the Honble Daniel Horsmanden Esqr do accquaint the General Assembly that the Council have past the said Bill without any amendment

The Bill entitled, An Act to continue An Act entitled, An Act for the better clearing regulating and ffurther laying out publick Highways in the County of Suffok with some additions thereto was read a second time and committed to the Gentm^n of the Council or any three of them

The Bill entitled, An Act to enable the Inhabitants of Brookhaven in the County of Suffolk to elect two Constables at the places therein mentioned was read a 2^d time and committed to the Gentlemen of the Council or any three of them

The Bill entitled, An Act for the further continuing An Act entitled, An Act for the better clearing regulating and further laying out publick Highways in Kings County, Queens County, Richmond County and Orange County with some additions thereto was read a second time & committed to the Gentlemen of the Council or any three of them

The Bill entitled, An Act for the further continuing An Act entitled, An Act to prevent the setting on fire or burning the old Grass on Hamstead plains with an Addition thereto was read a second time and committed to the Gentlemen of the Council or any three of them

The Bill to encourage the destroying of Wild Catts and for the preservation of Deer in the County of Suffolk was read a second time and committed to the Gentlemen of the Council or any three of them

Then the Council resolved into a Committee to consider of the last five aforegoing Bills

The Committee having duely weighed and considered of the same and being ready to make their Report thereon when the Council wo'd please to receive the same

The Speaker resumed the Chair

Ordered, That the said Report be made Immediately

Then Mr Horsmanden Chairman of the Committee to whom the said five Bills were referred in his place reported that the Committee had gone through the said five Bills and had directed him to report the same without any amendments

Which Report on the Question being put was agreed to and approved of

Ordered, that the said five Bills be read the third time

A Message from the Assembly by Alderman Roome and Mr Hasbrouk with the Bill entitled, An Act for Naturalizing Johan Willem Smith and Seventeen more therein named Desiring the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the ffirst time and

Ordered a second reading

A Message from the Assembly by Coll Moore and Mr Nicoll with the Bill entitled, An Act to restrain Hawkers and Pedlars within this Colony from selling without lycence Desiring the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the ffirst time and

Ordered, a second reading

A Message from the Assembly by Coll Johannes Lott and Mr Cornell with the Bill entitled, An Act to prevent the penning and ffolding of Sheep and neat Cattle feeding on Hamstead Plaines Desiring the concurrence of the Council thereto

Ordered, that the said Bill be read

Then the said Bill was read the ffirst time and

Ordered a second reading

Then the Council adjourned 'till 4 o'clock P. M.

Thursday the 15th *Novemb^r*, 1739. P. M.

The Council met according to adjournm^t

PRESENT as in the forenoon

The Speaker assumed the Chair

The Bill entitled, An Act to continue An Act entitled, An Act for the better clearing regulating and further laying out publick Highways in the County of Suffolk with some additions thereto was read the third time and

On the question being put

Resolved, that the said Bill do pass

Ordered, that the Honble Daniel Horsmanden Esqr do accquaint the General Assembly that the Council have past the said Bill without any amendment

The Bill entitled, An Act for the further continuing An Act entitled, An Act for the better clearing regulating and further laying out publick Highways in Kings County, Queens County, Richmond County and Orange County with some additions thereto was read the third time and

On the question being put

Resolved, that the said Bill do pass

Ordered, that the Honble Henry Lane Esqr do accquaint the General Assembly that the Council have past the said Bill without any amendment

The two following Bills vizt The Bill entitled, An Act to enable the Inhabitants of Brookhaven in the County of Suffolk to elect two Constables at the places therein mentioned, And the Bill entitled, An Act for the further continuing An Act entitled, An Act to prevent the setting on fire or burning the old Grass on Hamstead plaines were read the third time and

On the question being put

Resolved, that the said two Bills do pass

Ordered, that the Honble Philip Cortlandt Esqr do accquaint the General Assembly that the Council have past the said two Bill without any amendment

The Bill entitled, An Act for Naturalizing Johan Willem Smith and seventeen more therein named was read a second time and committed to the Gentm^n^ of the Council or any three of them

The Bill entitled, An Act to restrain Hawkers and pedlars from selling without lycence was read a second time and committed to the Gentlemen of the Council or any three of them

The Bill entitled, An Act to revive An Act entitled, An Act to prevent the penning and folding of Sheep and neat Cattle feeding on Hamstead plaines was read a second time and committed to the Gentlemen of the Council or any three of them

Then the Council resolved into a Committee to consider of the said three Bills

The Committee having duely weighed and considered of the same and being ready to make their Report thereon when the Council wo'd please to receive the same

The Speaker resumed the Chair

Ordered, that the said Report be made Immediately

Then Mr Horsmanden in his place reported that the Committee had gone through the Bill entitled, An Act for Naturalizing Johan Willem Smith and seventeen more therein named and had made an amendment thereto

Ordered, that the amendment be read

Then the amendment made to the said Bill was read and

On the question being put was agreed to and approved of

Ordered, that the said Bill be read the third time as amended

Mr Horsmanden in his place further reported that the Committee had gone through the two following Bills vizt The Bill entitled, An Act to restrain Hawkers and Pedlars within this Colony from selling without lycence, and The Bill entitled, An Act to revive An Act entitled, An Act to prevent the penning and ffolding of Sheep and neat Cattle ffeeding on Hamstead plains and had directed him to report the same without any amendment

Which report on the question being put was agreed to and approved of

Ordered, that the said two Bills be read the third time

A Message from the General Assembly by Coll Philipse and Mr Clarkson with the Bill entitled, An Act to remedy some defects in, and to explain and amend An Act passed in the Eighth year of his Majesties Reign entitled, An Act for the partition and Division of a certain Tract of Land in Dutchess County granted to Samson Broughton and others together with an amendment by them made thereto by adding a clause at the end of the said Bill and desiring the concurrence of the Council therewith

Ordered, that the amendment be read

Then the amendment made to the said Bill was read and

On the question being put the same was agreed to and approved of

Ordered, that the Honble Daniel Horsmanden Esqr do carry the said Bill to the General Assembly together with the amendment by them made thereto, and accquaint them that the Council have agreed to their amendment, and desire them to amend the said Bill accordingly

Then the Council adjourned 'till to morrow morning 11 o'clock

Fryday the 16th *Novemb*r, 1739.

The Council met according to adjournment

PRESENT — *The Honorable* ARCHIBALD KENNEDY, Esqr, Speaker,

PHILIP CORTLANDT,
HENRY LANE, Esqrs.

The Speaker assumed the Chair

The Bill entitled, An Act to encourage the destroying of Wild Catts and for the preservation of Deer in the County of Suffolk was read the third time, and

On the question being put

Resolved, that the said Bill do pass

Ordered, that the Honble Philip Cortlandt Esqr do accquaint the General Assembly that the Council have past the said Bill without any amendment

A Message from the Assembly by Coll Philipse and Alderman Roome returning the Bill entitled, An Act to remedy some defects in, and to explain & amend An Act past in the Eighth year of his Majesties Reign entitled, An Act for the partition and Division of a certain Tract of Land in Dutchess County granted to Samson Broughton & others accquainting the Council that pursuant to their request the Assembly had accordingly amended the said Bill

The Bill entitled, An Act to restrain Hawkers and Pedlars within this Colony from selling without lycence was read the third time and

On the question being put

Resolved, that the said Bill do pass

Ordered, that the Honble Danl Horsmanden Esqr do accquaint the General Assembly that the Council have past the said Bill without any amendment

The Bill entitled, An Act to revive An Act entiled, An Act to prevent the penning and ffolding of Sheep and Neat Cattle feeding on Hamstead plaines was read the third time and on the question being put

Resolved, that the said Bill do pass

Ordered, that the Honble Philip Cortlandt Esqr do Accquaint the General Assembly that the Council have past the said Bill without Any Amendment

The Bill entitled. An Act for Naturalizing Johan Willem Smith and Seventeen more therein named was read the third time as amended and on the question being put

Resolved, that the said Bill as Amended do pass

Ordered, that the Honble Henry Lane Esqr do Carry the Said Bill together with the Amendment made by the Council thereto, to the General Assembly and desire their Concurrence therewith

A Message from the General Assembly by Coll Philipse and Alderman Roome with the Bill entitled, An Act for Naturalizing Johan Willem Smith and others, that that House cannot agree to the Amendment made by the Council to the said Bill Which having been read

Resolved, that the Council do adhere to their Amendment

Ordered, that the Honble Henry Lane Esqr do Accquaint the General Assembly therewith

Then the Council adjourned 'till to morrow morning at 10 o'clock

Saturday the 17th *Novemb*r, 1739.

The Council met according to adjournment

PRESENT — *The Honourable* ARCHIBALD KENNEDY, Esqr, Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair

His Honour the Lieutenant Governor being come to the Council Chamber at the City Hall sent a Message by the Deputy Clerk of the Council to the General Assembly requiring their Immediate attendance

The General Assembly accordingly attending with their Speaker

His Honour in presence of the Council and General Assembly gave his Assent to the following Bills vizt

4 An Act towards the further Supporting the Government of this Colony untill the ffirst day of December which will be in the year 1740 by Continuing the Duties granted and Continued by the two Acts therein mentioned

5 An Act to raise in the Township of Schenectade a Sum not exceeding thirty two pounds for the use therein mentioned

6 An Act to revive An Act entitled, An Act to empower the Justices of the peace in the County of Albany living or dwelling in the Town of Schanactade in the said County to regulate the Streets and Highways and to prevent Accidents by fire in the Said Town

7 An Act for raising in the South part of Orange County a Sum not exceeding One hundred pounds for finishing and Compleating the Court House and Goal in Orange Town

8 An Act to revive An Act entitled, An Act for the Encouragement of Whaling

9 An Act to Continue An Act entitled, An Act to prevent the Destruction of Sheep by Doggs

10 An Act to apply the monies granted for the Support of this Government, as well for the discharging the Sallaries and Contingencies that have accrued allready, as those that will become due by the first day of September One Thousand Seven hundred and fforty

11 An Act letting to ffarm the Excise on Strong Liquors retailed in this Colony for the time and to the persons therein mentioned

12 An Act for reviving An Act entitled, An Act for regulating ffences for the several Citys & Countys within this Colony of New York

13 An Act to continue An Act entitled, An Act for the better clearing regulating and further laying out publick Highways in the County of Suffolk with some Additions thereto

14 An Act to enable the Inhabitants of Brookhaven in the County of Suffolk to elect two Constables at the places therein mentioned

15 An Act for the further continuing An Act entitled, An Act for the better clearing regulating and further laying out publick High Ways in Kings County, Queens County, Richmond County and Orange County with some additions thereto

16 An Act for further continuing An Act entitled, An Act to prevent the Setting on fire or burning the old grass on Hamstead Plains with an addition thereto

17 An Act to encourage the destroying of Wild Catts and for the preservation of Deer in the County of Suffok

18 An Act to restrain Hawkers and Pedlars within this Colony from Selling without lycence

19 An Act to revive An Act entitled, An Act to prevent the penning and ffolding of Sheep and neat Cattle feeding on Hamstead Plaines

Then His Honor addressing himself to the General Assembly was pleased to say that after the several Acts aforesaid were published the House might repair to their Assembly Chamber and adjourn it self to the second Tuesday in April next

After which His Hon^r attended as usual went to the City Hall and there caused the Several Acts aforesaid to be published. And after with the usual Solemnity returned to the ffort

Then the Council returned to the Council Chamber at the City Hall

PRESENT as before

The Speaker assumed the Chair

His Honour the Lieutenant Govern^r having directed the General Assembly to adjourn themselves to the Second Tuesday in April next

The Council therefore adjourned to the said Second Tuesday in April next.

TWENTY-SECOND ASSEMBLY FOURTH SESSION.

Att a Session *of the* Council *and* General Assembly *began at the City Hall in* New York, *on* Monday *the* 30th *day of* June, 1740.

The General Assembly having stood adjourned to the 8th day of April last and then further adjourned to this day

The Council met at the Council Chamber at the City Hall

PRESENT — *The Honorable* ARCHIBALD KENNEDY, Esqr, Speaker,

PHILIP CORTLANDT,
JAMES DE LANCEY,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair

His Honor the Lieutenant Governor attended as usual being come to the Council Chamber in the City Hall sent a Message by the Deputy Clerk of the Council to the General Assembly requiring their immediate attendance

The General Assembly accordingly attending with their Speaker

His Honor made a Speech to the Council & General Assembly, and delivered one copy thereof to the Speaker of the Council and another copy to the Speaker of the General Assembly

After which His Honor returned to the ffort

Then the Speaker resumed the Chair

Ordered, His Honors Speech be read

Which being read accordingly ffurther

Ordered, that the same be entered in the minnitts and is in the words ffollowing vizt

Gentlemen,

His Majesty having been called upon by repeated provocations to declare warr against Spain, and being determined by Gods assistance in so just a cause to vindicate the Honor of his Imperial Crown, to revenge the Injuries done to his subjects to assert their undoubted rights of navigation, and by all possible means to attack, annoy and distress a nation that has treated his people with such Insolence and barbarity has given orders for the equipping and setting forth of an Expedition against the Territories of the Catholick King in the West Indies, which will consist of a large squadron of ships of Warr and of a considerable body of Land fforces with a suitable Train of Artillery, store ships and all things requisite, and has likewise given orders to raise a body of Troops in his Majesties Colonies on the Continent of North America to Join those to be sent from England at a particular Rendezvous I have in obedience to his Majesties commands taken the best measures in my power, to invite and encourage his Majesties faithfull subjects in this province chearfully to inlist in his Majesties service for this Expedition But it is in your power to do much more by giving a bounty to every man who inlists in this service, and I am persuaded it will be such as will show the world that you will not be behind the most zealous of his Majesties subjects in promoting this glorious enterprize Now altho' by the success of this Expedition the Commerce, and navigation of this province, to and from the West Indies, will not only be secured but greatly encreased by the large possessions which by the blessing of God on his Majesties Arms will fall into his Majesties hands and altho' by such acquisitions a door will be opened for a larger consumption of provisions (the staple of this province) whereby the ffarmer as well as the merchant may be greatly enriched, yet it is but litle that his Majesty expects from his dutiful & loyal subjects of this province towards the Expence of this Expedition and I am commanded by His Majesty to recommend it to you in his name, as I do most earnestly, that you provide victuals, Transports and all other necessarys for the Troops to be raised in this province, except Cloaths, Tents, Arms, Ammunition & pay, 'till their arrival at the general Rendezvous in the West Indies, from which time the said Transports are to enter into his Majesties pay, in the doing whereof I hope you will lose no time, that the Expedition may not be retarded. His Majties Expectations are so just & reasonable & the prospect of advantage to the province so clear, that I persuade my self you will chearfully & immediately provide for the Expence of what is recommended to you

These things being matter of the highest Importance, I will not now take off your attention by recommending any thing else to your consideration, hoping you will give this business the utmost dispatch, wherein you will in a very particular manner recommend your selves & your Country to his Majesty, whom God alone preserve

GEO CLARKE

N: York June 30th 1740

Then James De Lancey Esqr Chief Justice moved that a Committee be appointed to prepare an Address to return His Honor the thanks of the Council for his seasonable speech, & to express their readiness to concurr in any measures that shall be proposed for his Majesties service & the Interest of the province

Which being seconded & agreed to *nemine contradicente*

Ordered, that Archibald Kennedy, James De Lancey and Daniel Horsmanden Esq^rs be a Committee to prepare the same, and lay it before the Council at their next meeting

Then the Council adjourned 'till to morrow morning 11 o'clock

Tuesday the 1st *July*, 1740.

The Council met according to adjournment

PRESENT— *The Honorable* ARCHIBALD KENNEDY, Esqr, Speaker,

PHILIP CORTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esq^rs.

The Speaker assumed the Chair

Mr Horsmanden from the Committee appointed to prepare a Draft of an Address presented a D^rt accordingly

Ordered, that the Address be read

Which having been read was approved of by the Board

Ordered, the same be engrossed

The engrossed Address was read and Agreed to

Ordered, that Mr Kennedy the Speaker sign the same on behalf of the Council

Ordered, that Mr Kennedy and Mr Horsmanden do wait on his Honor to know when he wou'd be pleased to be attended with the Councils Address

Mr Kennedy and Mr Horsmanden having waited on his Honor Accordingly and being returned, reported that his Honor had appointed the Hour of twelve o' the clock to receive the said Address

Ordered, the s^d Address be entered in the Minits and is in the words foll:

To the Honble GEORGE CLARKE Esqr his Majesties Lieut^t Governor and Commander in Chief of the province of New York and Territories thereon depending in America &c

The humble ADDRESS of the members of his Majesties Council for the s^d province

May it please your Honor

We his Majesties most dutiful and loyal Subjects, the members of the Council for the province of New York. beg leave to return your Honor our hearty thanks for your Speech, intimating to us a glorious Enterprize set on foot by his Majesty ag^t the Territories of the King of Spain in the West Indies, & that for that purpose, his Majesty had given Orders for equipping a large Squadron of Ships & a Considerable body of land forces, with a Suitable Train of Artillery, Store Ships & all Things requisite; and likewise that his Majesty had given orders for raising a body of Troops in his Majesties Colonies on the Continent of North America to join those to be sent from England at a particular Rendezvous

We cannot sufficiently admire his Maj^ties wisdom & goodnes in his paternal care of his people in general upon this Occasion, and as more particularly extended to us of his Majesties remotest Dominions and we do Assure your Honor, that we will with the utmost gratitude, Zeal & Chearfulness exert our Selves in the most vigorous endeavours to bring to effect, all proper measures for promoting & advancing an Expedition wch his Majesty has so much at heart, & which your Honor has so earnestly recommended to us, being persuaded that we cannot render a more Acceptable Service to his Majesty, or do Anything more esential for the Interest of this province

By Order of the Council
ARCH^d KENNEDY Speaker

To which His Honor was pleased to make the following Answer

Gentlemen,

I thank you for this Address, & depend upon the Asurance you give me of your vigorous Endeavours to promote the Expedition against the Spaniards, the Success whereof will greatly enlarge the trade of this province

GEO. CLARKE

The Council being returned to the Council Chamber
Ordered, that their Address with His Honors Answer be forthwith printed
Then the Council adjourned to ffryday morning at 11 o'clock

Fryday the 4th *July*, 1740.

The Council met according to adjournmt

PRESENT — *The Honoble* ARCHIBALD KENNEDY, Esqr, Speaker,
PHILIP CORTLANDT,
HENRY LANE,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair
The Council adjourned 'till Tuesday next 11 o'clock in the fforenoon

Tuesday, 8th *July*, 1740.

The Council met according to adjournment

PRESENT — *The Honoble* CADWALLADER COLDEN, Esqr, Speaker,
ARCHIBALD KENNEDY,
PHILIP CORTLANDT,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair
The Council adjourned till Thursday next at 11 o'clock in the fforenoon

Thursday, *July* 10th, 1740.

The Council met according to adjournment

PRESENT — *The Honoble* ARCHIBALD KENNEDY, Esqr, Speaker,
PHILIP CORTLANDT,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair
The Council adjourned to 5 o'clock P. M.

Thursday, 10th *July*. P. M.

The Council met according to adjournment

PRESENT — *The Honoble* CADWALLADER COLDEN, Esqr, Speaker,
ARCHIBALD KENNEDY,
PHILIP CORTLANDT,
HENRY LANE,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair
A Message from the General Assembly by Coll Morris and Coll Philipse with the Bill entitled, An Act for Transporting & victualling of Voluntiers inlisted in this Colony, to serve in the Expedition therein mentioned Desiring the concurrence of the Council thereto
Ordered, that the said Bill be read
Then the said Bill was read the first time and
Ordered a second reading
Then the Council adjourned till to morrow morning at 11 o'clock

Fryday, July 11th, 1740.

The Council met according to adjournmt

PRESENT — *The Honoble* CADWALLADER COLDEN, Esqr, Speaker,

ARCHIBALD KENNEDY,
PHILIP CORTLANDT,
HENRY LANE,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair

The Bill entitled, An Act for transporting & Victualing of Voluntiers inlisted in this Colony to serve in the Expedition therein mentioned was read a second time & committed to the Gentlemen of the Council or any five of them

Then the Council resolved into a Commée to consider of the sd Bill

Note, that the Several Raisures made in this Bill and the words incerted in their stead as the same has been brought to the Council for their concurrence are as follow vizt

In pa 2 line 8th the word (vice) is wrote after Raisure

In Do pa line 9th the letter (o) in the word bello is wrote after raisure

In pa 6th line 16th the word (the) & the word (or) are wrote after raisure

In pa 8th line the 12th the words (it originally stood appropriated to) are wrote after raisure

In Do pa line the 16th the words (for the uses it originaly stood) are likewise wrote after raisure

The Council adjourned till 4 o'clock P. M.

ffryday P. M.

The Council met according to adjournment

PRESENT — *The Honoble* CADWALLADER COLDEN, Esqr, Speaker

ARCHIBALD KENNEDY,
PHILIP CORTLANDT,
HENRY LANE,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair

The Commée having duly weighed & considered of the Bill & being ready to make their report thereon when the Council would please to receive the same

The Speaker resumed the Chair

Ordered, that the sd Report be made immediately

Then Mr Horsmanden Chairman of the Commée to whom the sd Bill was referred in his place reported that the Commée had gone through the same & had directed him to report the same without any amendment

Which report on the Question being put was agreed to and approved of

Ordered, that the said Bill be read the third time

Then the said Bill was read the third time and

On the question being put

Resolved, that the said Bill do pass

Ordered, that the Honoble Henry Lane Esqr do acquaint the General Assembly that the Council have past the said Bill without any amendment

Then the Council adjourned till to morrow morning at 11 o'clock

Saturday July 12th, 1740.

The Council met according to adjournmt

PRESENT— *The Honoble* CADWALLADER COLDEN Esqr, Speaker,

ARCHIBALD KENNEDY,
PHILIP CORTLANDT,
HENRY LANE,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair
His Honor the Governor being come to the Council Chamber at the City Hall sent a Message by the Deputy Clerk of the Council to the General Assembly requiring their immediate attendance
The General Assembly accordingly attending with their Speaker
His Honor in presence of the Council and General Assembly gave his assent to the following Bill vizt

An Act for Transporting and Victualling of Voluntiers Inlisted in this Colony to serve in the Expedition therein mentioned

Then His Honor addressing himself to the General Assembly was pleased to say that after the Act affsd was published the House might repair to their Assembly Chamber & adjourn it self to the second Tuesday in Sepr next
After which His Honor attended as usual went to the City Hall and there caused the affsd Act to be published and after with the usual solemnity returned to the ffort
Then the Council returned to the Council Chamber at the City Hall

PRESENT as before

The Speaker assumed the Chair
His Honor the Governor having directed the General Assembly to adjourn themselves to the second Tuesday in September next
The Council therefore adjourned to the said second Tuesday in Sepr next then to meet to do business without further notice

TWENTY-SECOND ASSEMBLY FIFTH SESSION.

Att a Session *of the* Council *&* General Assembly *begun at the City Hall in* New York, *on* Tuesday, *the* 9th *day of* September, 1740.

The General Assembly having stood adjourned to this day
The Council met at the Council Chamber at the City Hall

PRESENT — *The Honoble* ARCHd KENNEDY, Esqr, Speaker,

PHILIP CORTLANDT,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair
The Council adjourned till to morrow morning at 11 o'clock

Wednesday the 10th *Sep*r, 1740.

The Council met according to adjournmt

PRESENT — *The Honoble* ARCHd KENNEDY, Esqr, Speaker,
HENRY LANE,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair
The Council adjourned till 3 o'clock P. M.

Wednesday the 10th *Sep*r, 1740. P. M.

The Council met according to adjournment

PRESENT — *The Honoble* ARCHd KENNEDY, Esqr, Speaker,
HENRY LANE,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair
His Honor the Lieutenant Governor attended as usual being Come to the Council Chamber in the City Hall sent a message by the Deputy Clerk of the Council to the General Assembly requiring their immediate attendance
The General Assembly Accordingly Attending wth their Speaker
His Honor made a Speech to the Council & General Assembly & delivered one copy thereof to the Speaker of the Council & another to the Speaker of the General Assembly
After which His Honor returned to the ffort
Then the Speaker resumed the Chair
Ordered, His Honors Speech be read. Which being read accordingly ffurther
Ordered, that the same be entered in the minnitts & is in the words following vizt

Gentlemen,

At your last Sitting you gave a Sum of money for transporting & victualling five hundred men to be imployed in the Expedition against the Spaniards, that being the number you then thought would be raised in this province for that Service, but there being now Another Company of one hundred men raising & almost Compleat, I recommend it to you in his Majesties name to give a further Sum for Victualling & Transporting them to the place of Rendezvous, and I perswade my self, that his Majesties Honor, the Interest of your Country, and a due Reflection on the Signal & Constant Benefits you receive from his Majesties paternal Care of this province will inspire you wth dutifull & gratefull sentiments & induce you to show your Zeal on this Occasion wth the utmost Chearfulness

The Apprehensions that the people on the ffrontiers were under last fall of a rupture wth ffrance made it necessary to have a double garrison all the Winter at Oswego, but there being then no provision made for the victualling of the additional number of men one of the Contractors undertook it hoping that the Assembly would pay him & I now recommend it to you Oswego is a place of great Importance to you & ought by all means to be preserved & if it can be without weakening the Garrisons, in the other ffrontier places, And I am perswaded that if proper provision be made by you for it now, when the Support of that Garrison will fall under your Consideration the last Act being upon the point of expiring, a Sufft number of the Six Nations of Indians may be induced to Stay there wth the usual garrison for its defence in that part of the year when the Traders leave it to return to their own habitations.

Desertions from his Majesties Ships of warr & land ffORCES in this province, have of late been so frequent, that unless some good law be passed to prevent the like for the future, they may be unable to protect either your trade or country. By passing such a law you will show your zeal for his Majesties Service & the welfare of your country

The Mohawk Sachems have represented unto me the Irreparable conditions of the Chappel formerly built for their religious worship & desiring to have a new one built I cannot but earnestly recommend it to you as a thing worthy the consideration of a Christian Assembly The progress already made by the Revd Mr Barclay opens to our view a glorious prospect of spreading the Christian ffaith & worship throughout all the Six Nations, especially if he be enabled by you to proceed in the work he has so happily & successfully begun

The Revenue being now expired, I recommend it to you, to give to his Majesty for the support of Government, such an ample one, and for such term of years as former Assemblys

have given, whereby you will strongly recommend your selves to his Majesties grace & favour: At the same time it will be necessary to prevent by some good law, all illicit Trade, so much complained of by the fair Trader & so injurious to the Revenue. And I hope you will think it high time to give some effectuall Encouragement to Ship building

GEO. CLARKE

N. York 10th *Sep*^{r} 1740

Then the Council adjourned 'till Tuesday next at 11 o'clock in the morning

Tuesday the 16th *Sep*^{r}, 1740.

The Council met according to adjournm^{t}

PRESENT — *The Honorable* JAMES DE LANCEY, Esqr, Speaker,
PHILIP CORTLANDT,
HENRY LANE, Esq^{rs}.

The Speaker assumed the Chair
Then the Council adjourned till to morrow morning at 11 o'clock

Wednesday the 17th *Sep*^{r}, 1740.

The Council met according to adjournment

PRESENT — *The Honorable* JA^{s} DE LANCEY, Esqr, Speaker,
HENRY LANE,
DAN^{l} HORSMANDEN, Esq^{rs}.

The Speaker assumed the Chair
Then the Council adjourned till Tuesday next at 11 o'clock in the forenoon

Tuesday the 23^{d} *of Sep*^{r}, 1740.

The Council met according to adjournment

PRESENT — *The Honorable* JA^{s} DE LANCEY, Esqr, Speaker,
PHILIP CORTLANDT,
DAN^{l} HORSMANDEN, Esq^{rs}.

The Speaker assumed the Chair
Then the Council adjourned 'till ffryday next at 11 o'clock in the fforenoon

Fryday the 26th *Sep*^{r}, 1740.

The Council met according to adjournm^{t}

PRESENT — *The Honorable* JAMES DE LANCEY, Esqr, Speaker,
PHILIP CORTLANDT,
DAN^{l} HORSMANDEN, Esq^{rs}.

The Speaker assumed the Chair
A Message from the Assembly by Mr Jones & Mr Nicol with the Bill entitled, An Act for returning Stray Cattle & Sheep to their owners, Desiring the concurrence of the Council thereto
Ordered, that the said Bill be read

Then the said Bill was read the first time &
Ordered a 2d reading
A Message from the Assembly by Coll Beekman & Coll Moore wth the Bill entitled, An Act to continue An Act Intitled, An Act to regulate the Militia of this Colony wth an addition thereto desiring the concurrence of the Council thereto
Ordered, that the said Bill be read
Then the said Bill was read the first time and
Ordered a second reading
A Message from the Assembly by Mr Ludlow & Mr Nicol with the Bill entitled, An Act to continue An Act Intitled, An Act to restrain Tavern keepers and Innholders from selling Strong Liquours to servants & apprentices & from giving large credit to others Desiring the concurrence of the Council thereto
Ordered, that the said Bill be read
Then the said Bill was read the 1st time &
Ordered a 2d reading
Then the Council adjourned till Tuesday next at 11 o'clock in the morning

Tuesday the 30th *Sepr*, 1740.

The Council met according to adjournmt

PRESENT — *The Honoble* ARCHd KENNEDY, Esqr, Speaker,
JAMES DE LANCEY,
HENRY LANE, Esqrs.

The Speaker assumed the Chair
The Bill entitled, An Act for returning stray Cattle & Sheep to their owners was read a second time & committed to the Gentlemen of the Council or any three of them
The Bill entitled, An Act to continue An Act intitled, An Act to regulate the Militia of this Colony wth an Addition thereto was read a 2d time & committed to the Gentlemen of the Council or any three of them
The Bill entitled, An Act to continue An Act Intitled, An Act to restrain Tavern Keepers & Inholders from selling Strong Liquors to servts & apprentices & from giving large Credit to others was read a 2d time & committed to the Gentlemen of the Council or any three of them
A Message from the Assembly by Mr Clarkson & Mr Roome with the Bill entitled, An Act to Limmit the time of continuance of General Assemblys in this Colony desiring the concurrence of the Council thereto
Ordered, that the said Bill be read
Then the said Bill was read the 1st time &
Ordered, a 2d reading
Then the Council adjourned 'till Thursday next at 11 o'clock in the morning

Thursday October 2d, 1740.

The Council met according to adjournment

PRESENT — *The Honorable* ARCHIBALD KENNEDY, Esq, Speaker,
HENRY LANE,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair
Then the Council adjourned 'till to morrow morning at 11 o'clock

Fryday October 3d, 1740.

The Council met according to adjournment

PRESENT — *The Honoble* ARCHIBALD KENNEDY, Esq, Speaker,
JAMES DE LANCEY,
HENRY LANE, Esqrs.

The Speaker assumed the Chair
The Council adjourned 'till Tuesday next at 11 o'clock in the forenoon

Tuesday October 7th, 1740.

The Council met according to adjournmt

PRESENT — *The Honoble* ARCHd KENNEDY, Esq, Speaker
JAMES DE LANCEY,
HENRY LANE,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair
The Council adjourned till to morrow at 11 o'clock in the forenoon

Wednesday, October 8th, 1740.

The Council met according to adjournmt

PRESENT — *The Honoble* ARCHd KENNEDY, Esqr, Speaker,
JAs DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair
A Message from the General Assembly by Mr Stillwell & Mr Pierson with the Bill entitled, An Act for Letting to ffarm the Excise on Strong Liquors retailed in this Colony from the first of November next to the first day of Novr in the year 1741 desiring the Concurrence of the Council thereto
Ordered, that the said Bill be read
Then the said Bill was read the first time &
Ordered a second reading
Note, that the several Raisures made in this Bill & the words incerted in the stead as the same has been brot to the Council for their concurrence are as follow vizt
In pa 3d Line 1st the letters (ver) are wrote after raisure
In same page line 9th the words (mentioned be it enacted by) wrote after raisure
In Do page Line 11th the words (november next severally) wrote after raisure and
In page 4th Line 2d the letters (ver) and in same page Line 9th the words (the first day) are also wrote after raisure
A Message from the General Assembly by Mr Ludlow & Mr Gale with the Bill entitled, An Act to Enable the Justices of the peace living in that part of Orange County lying to the northward of the mountains for raising a sum not exceeding one hundred pounds for finishing & compleated the Court House & Goal in Goshen desiring the concurrence of the Council thereto
Ordered, that the said Bill be read
Then the sd Bill was read the first time &
Ordered a second reading
In pa 2d Line 11th of this Bill the words (Rules & Methods) are wrote after raisure
The Council resolved into a Commẽe to consider of the four following Bills vizt
The Bill entitled, An Act for returning stray Cattle & Sheep to their owners
The Bill entitled, An Act to continue An Act intitled, An Act to regulate the Militia of this Colony wth an addition thereto

The Bill entitled, An Act to continue An Act intitled, An Act to restrain Tavern Keepers and Inholders from selling strong Liquors to servts & apprentices & from giving large Credit to others

The Bill entitled, An Act to Limitt the time of continuance of General Assemblys in this Colony

The Commēe having duly weighed and considered the same & being ready to make their report thereon when the Council wod please to receive the same

The Speaker resumed the Chair

Ordered, that the sd Report be made Immediately

Then Mr Horsmanden Chairman of the Commēe (to whom the sd four Bills were referred) in his place reported that the Commēe had gone through the sd Bills & had directed him to report the same without any amendment

Which Report on the Question being put was agreed to & approved of

Ordered, that the sd four Bills be read the third time. ffurther

Ordered, by the Council in Answer to a Message of the General Assembly of the 26th of Sepr last relating to the ascertaining & establishing the ffees of the sevl officers wthin this Colony that the Honorable James De Lancey Esq, the Honoble Danl Horsmanden Esq, and the Honoble Henry Lane Esq be a Commēe to meet the Commēe of the Assembly and that they appoint for that purpose to morrow evening at 6 o'clock at the house of Robert Todd & also

Ordered, that the Honoble Daniel Horsmanden Esq do acquaint the Assembly therewith

Then the Council adjourned till Fryday next 11 o'clock in the forenoon

Fryday, October 10th, 1740.

The Council met according to adjournmt

PRESENT — *The Honoble* ARCHd KENNEDY, Esq, Speaker,

JAs DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair

The Bill entitled, An Act for letting to ffarm the Excise on Strong Liquors retailed in this Colony from the first of November next to the first day of November in the year 1741 was read a second time & committed to the Gentlemen of the Council or any three of them

The Honoble Danl Horsmanden Esq according to order laid before the Board a Bill entitled, An Act for the returning of able & sufft Jurors & for the better Regulation of Juries which was read the first time &

Ordered a 2d reading

Then the Council adjourned till Monday next at 11 o'clock in the morning

Monday the 13th *day of October*, 1740.

The Council met according to adjournmt

PRESENT — *The Honoble* ARCHd KENNEDY, Esq, Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair

The Bill entitled, An Act for the returning of able & sufft Jurors, and for the better regulation of Juries was read the 2d time & committed to the Gentlemen of the Council or any three of them

Then the Council adjourned 'till to morrow at 3 o'clock P. M.

Tuesday, October 14th, 1740. P. M.

The Council met according to adjournmt

PRESENT — *The Honorable* ARCHd KENNEDY, Esq, Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair

The Bill entitled, An Act to Enable the Justices of the peace living in that part of Orange County lying to the northward of the mountains for raising a sum not exceeding one hundred pounds for finishing & Compleating the Court house & Goal in Goshen was read the 2d time & committed to the Gentlemen of the Council or any three of them

The Council resolved into a Commēe to consider of the three last aforegoing Bills

The Commēe having duly weighed and considered of the same Bills & being ready to make their report thereon when the Council wod please to receive the same

The Speaker resumed the Chair

Ordered, that the sd Report be made Immediatly

Then Mr Horsmanden Chairman of the Commēe to whom the sd three Bills were reffered in his place reported that the Commēe had gone through the same & had directed him to report the same without any amendmt

Which Report on the question being put was agreed to & approved of.

Ordered, that the sd three Bills be read the third time

Then the said three Bills were read the third time &

On the Question being put

Resolved, that the said three Bills do pass

The Bill entitled, An Act for returning Stray Cattle & Sheep to their owners was read the third time, and

On the question being put

Resolved, That the said Bill do pass.

Likewise the three following Bills vizt The Bill entitled, An Act to Continue An Act entitled, An Act to Regulate the Militia of this Colony with an addition thereto The Bill entitled, An Act to continue An Act Intitled, An Act to restrain Tavern Keepers and Inholders from Selling Strong Liquors to Servts and Apprentices & from giving large Credit to others The Bill entitled, An Act to Limitt the time of Continuance of General Assemblys in this Colony were read the third time, and

On the Question being put

Resolved, that the sd three Bills do pass

Ordered, that the Honorable James De Lancey Esq do carry the Bill entitled, An Act for the returning of Able & Suffl Jurors and for the better regulation of Juries to the General Assembly & to desire their Concurrence thereto

The Council adjourned till to morrow at 11 o'clock in the fforenoon

Wednesday the 15th *October*, 1740.

The Council met according to adjournment

PRESENT — *The Honorable* ARCHd KENNEDY, Esq, Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair

A message from the Assembly by Coll Beekman & Mr Hardenbergh with the Bill entitled, An Act to encourage the destroying of Woolves & panthers in Dutches County & of Woolves in Ulster & Orange Counties desiring the Concurrence of the Council thereto

Ordered, that the sd Bill be read

Then the said Bill was read the 1st time &

Ordered a 2d reading

The Council adjourned 'till to morrow at 11 o'clock in the fforenoon

Thursday, October 16th, 1740.

The Council met according to adjournment

PRESENT — *The Honoble* ARCHd KENNEDY, Esq, Speaker,

JAs DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair
The Bill entitled, An Act to encourage the destroying of Woolves & panthers in Dutches County & of Woolves in Ulster & Orange Counties was read the 2d time & Committed to the Gentlemen of the Council or any three of them
The raisures in this Bill vizt
In pa 1st Line 15th the letters (the Coun)
19th a raisure but nothing incerted
In pa 2d Lines 8 & 9th the words (An oath & if a Quaker an affirmation in the words following)
11th the words (are an)
In pa 3d Line 3d the letters (ir) are wrote after raisure and
In pa 3d Line 14th the word (aforesaid is interlined
The Council adjourned 'till to morrow at 11 o'clock in the forenoon

Fryday, October 17th, 1740.

The Council met according to adjournment

PRESENT — *The Honoble* ARCHd KENNEDY, Esq, Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair
Mr Horsmanden Chairman of the Commee to whom was referred the Bill entitled, An Act to encourage the destroying of Woolves and panthers in Dutches County and of Woolves in Ulster & Orange Counties in his place reported that the Commee having duly weighed and considered the said Bill had directed him to report the same without any amendment
Which Report on the question being put was agreed to & approved of
Ordered, that the said Bill be read the third time
Then the said Bill was read the third time and
On the Question being put
Resolved, that the said Bill do pass
The Council adjourned 'till Tuesday next at 11 o'clock in the forenoon

Tuesday, October 21st, 1740.

The Council met according to adjournment

PRESENT — *The Honoble* ARCHd KENNEDY, Esq, Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair
A Message from the Assembly by Coll Moore and Mr Roome with the Bill entitled, An Act to prvent abuses in the Repacking of Beef & Pork desiring the concurrence of ye Council thereto
A Message from the Assembly by Capt Winne and Mr Livingston with the Bill entitled, An Act to enable the Mayor, Recorder & Aldermen of the City of Albany, & Justices of the peace

of the said City & County to build a new Court house & Goal for the said City & County desiring the concurrence of the Council thereto

A Message from the Assembly by Coll Moore & Mr Clarkson with the Bill entitled, An Act to cancell the Bills of Credit emitted in the years 1715, 1720, 1723 & 1724 desiring the concurrence of the Council thereto

A Message from the Assembly by Mr Cornell & Mr Pierson with the Bill entitled, An Act further to continue An Act Intitled, An Act to prevent the penning & ffolding of Sheep & Neat Cattle on Hempsted Plains desiring the concurrence of the Council thereto

A Message from the Assembly by Coll Moore & Mr Roome with the Bill entitled, An Act to repeal that part of An Act Intitled, An Act to lay a Duty on the Goods & a Tax on the Slaves therein mentioned during the time & for the use mentioned in the same, which imposes a Duty on Syder, pork & beef & to grant in liew thereof a Duty on goods sold at Vendue desiring the concurrence of the council thereto

The Council adjourned till 4 o'clock P. M.

October 21st, 1740. P. M.

The Council met according to adjournment

PRESENT — *The Honorable* JAMES DE LANCEY, Esq, Speaker,

PHILIP CORTLANDT,
HENRY LANE,
DANl HORSMANDEN, Esqrs.

The five last aforegoing Bills read the first time and
Ordered, a second reading
The Council adjourned till Thursday next at 10 o'clock in the fforenoon

Thursday the 23d *October*, 1740.

The Council met according to adjournment

PRESENT — *The Honorable* ARCHd KENNEDY, Esq, Speaker,

JAMES DE LANCEY,
HENRY LANE,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair
The Council adjourned till 3 o'clock P. M.

October 23d, 1740. P. M.

The Council met according to adjournment

PRESENT as before A M

The five last aforegoing Bills were read the second time & comitted to the Gentlemen of the Council or any three of them
Present — Philip Cortlandt Esq

A Message from the Assembly by Mr Verplank & Mr Clarkson with the Bill entitled, An Act to pay the Reverend Mr Alexander Malcolm the sum of £111. 7. 6 out of the fund therein mentioned desiring the concurrence of the Council thereto

Ordered, that the said Bill be read
Then the sd Bill was read the 1st time &
Ordered a 2d reading

A Message from the Assembly by Mr Jones & Mr Nicol with the Bill entitled, An Act to apply the surplus therein mentioned towards Repaymt of two thousand five hundred pounds granted for Transporting & victualling of voluntiers raised in this Colony on an Expedition agt the Spaniards desiring the concurrence of the Council thereto

Ordered, that the said Bill be read
Then the said Bill was read the 1st time &
Ordered a 2d reading
Mr Horsmanden Chairman of the Commēe to whom were referred the five following Bills vizt The Bill entitled, An Act to prevent abuses in the Repacking of Beef & pork The Bill entitled, An Act to enable the Mayor, Recorder & Aldermen of the City of Albany & Justices of the peace of the sd City & County to build a new court house & Goal for the said City & County The Bill entitled, An Act to cancell the Bills of credit emitted in the years 1715, 1720, 1723 & 1724 The Bill entitled, An Act further to continue An Act Intitled, An Act to prevent the penning & folding of Sheep & Neat Cattle on Hempsted plains The Bill entitled, An Act to repeal that part of An Act Intitled, An Act to lay a Duty on the Goods & a Tax on the Slaves therein mentioned during the time & for the use mentioned in the same which imposes a Duty on Syder pork & beef & to grant in liew thereof a Duty on goods sold at vendue in his place reported that the Commēe having gone through & duly weighed and considered of the same had directed him to report the same without any amendment
Which Report on the Question being put was agreed to and approved of
Ordered, that the said five Bills be read the third time
The Council adjourned 'till to morrow at 11 o'clock in the forenoon

October 24th, 1740.

The Council met according to adjournment

PRESENT — *The Honorable* ARCHd KENNEDY, Esq, Speaker,
The Honoble PHILIP CORTLANDT,
The Honoble HENRY LANE, Esqrs.

The Speaker assumed the Chair
The Council adjourned 'till Monday next at 11 o'clock in the forenoon

Monday the 27th *October*, 1740.

The Council met according to adjournmt

PRESENT — *The Honorable* ARCHd KENNEDY, Esq, Speaker,
JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair
The Bill entitled, An Act to pay the Reverend Mr Alexander Malcom the sum of £111. 7. 6 out of the fund therein mentioned was read the 2d time and Committed to the Gen of the Council or any three of them
Then the Council resolved into a Commēe to consider of the said Bill
The Commēe having duly weighed & considered of the same & being ready to make their report thereon when the Council wod please to receive the same
The Speaker resumed the Chair
Ordered, that the sd report be made imēdiately
Then Mr Horsmanden Chairman of the Commēe to whom the sd Bill was referred in his place reported that the Commēe had gone through the said Bill & had directed him to report the same without Any Amendment
Which Report on the Question being put was agreed to & approved of
Ordered, that the said Bill be read the third time
And as to the Bill entitled, An Act to Apply the Surplus therein mentioned towards Repayment of two thousand & five hundred pounds granted for Transporting & Victualling of Volunteers raised in this Colony on an Expedition agt the Spaniards
The Question was put (after its having been read this day the Second time & Committed)
Whether the said Bill should be read the third time or not?
It was Carried in the negative and
Ordered, that the said Bill be rejected

A Message from the Assembly by Coll Moore & Mr Le Count with the Bill entitled, An Act for & towards Supporting the Governmt of this Colony by granting to his Majesty the Duties therein mentioned from the first day of Decr 1740 to the first day of December 1741 Desiring the Concurrence of the Council thereto

A message from the Assembly by Coll Renselaer & Capt Winne with the Bill entitled, An Act to Support the Garrison at Oswego, and to regulate the furr Trade in the County of Albany desiring the Concurrence of the Council thereto

A message from the Assembly by Mr Terbos & Mr Verplank with the Bill entitled, An Act for the better relief of the poor in Dutches County desiring the Concurrence of the Council thereto

A message from the Assembly by Coll Moore & Mr Clarkson with the Bill entitled, An Act to apply the monies granted for the support of this Governmt in payment of the Several Sallaries & other allowances until the 1st day of Sepr 1741desiring the Concurrence of the Council thereto

Ordered, that the four last aforegoing Bills be read

Then the sd 4 Bills were read the 1st time &

Ordered a 2d reading

The Council adjourned 'till to morrow at 3 o'clock P. M.

Tuesday the 28th *October*, 1740. P. M.

The Council met according to adjournment

Prest — *The Honoble* Archd Kennedy, Esq, Speaker,

Philip Cortlandt,
Henry Lane,
Danl Horsmanden, Esqrs.

The Speaker assumed the Chair

The four last aforegoing Bills read the Second time & Committed to the Gentlemen of the Council or any three of them

The Council adjourned till to morrow at 11 o'clock in the fforenoon

Wednesday the 29th *October*, 1740.

The Council met according to adjournment

Present — *The Honoble* Archd Kennedy, Esq, Speaker,

James De Lancey,
Philip Cortlandt,
Henry Lane,
Danl Horsmanden, Esqrs.

The Speaker assumed the Chair

The Council resolved into a Commee to Consider of the four last aforegoing Bill

The Commee having duly weighed & Considered of the same & being ready to make their report thereon when the Council wo'd please to receive the same

The Speaker resumed the Chair

Ordered, that the said report be made immediately

Then Mr Horsmanden Chairman of the Committee to whom the said four Bills were refferred in his place reported that the Commee had duly weighed & considered of the same and had directed him to report the same without amendment

Which report on the Question being put was agreed to & approved of

Ordered, that the said four Bills be read the third time

Then the said Bills were read the third time and

On the Question being put

Resolved, that the said Bills do pass

The six following Bills vizt The Bill to prevent abuses in the Repacking of beef & pork The Bill to enable the Mayor Recorder & Aldermen of the City of Albany & Justices of the peace of the said City & County to build a new Court house & Goal for the sd City & County The Bill entitled, An Act to cancell the Bills of Credit emitted in the years 1715, 1720, 1723 & 1724 The Bill entitled, An Act further to continue An Act to prevent the penning & ffolding of Sheep & Neat Cattle on Hempsted plains. The Bill entitled, An Act to repeal that part of

An Act Intitled, An Act to lay a Duty on the Goods & a Tax on the Slaves therein mentioned during the time & for the use mentioned in the same, which imposes a duty on Syder, pork & beef & to grant in liew thereof a Duty on goods sold at Vendue The Bill entitled, An Act to pay the Reverend Mr Alexander Malcom the sum of £111.7.6 out of the fund therein mentioned were read the third time &

On the Question being put

Resolved, that the said Bills do pass

Ordered, that the Honorable Philip Cortlandt, Henry Lane & Danl Horsmanden Esqrs do acquaint the General Assembly what Bills have passed the Council this Session

The Council adjourned till Monday next at 11 o'clock in the ffforenoon

Monday, November the 3d, 1740.

The Council met according to adjournment

PRESENT — *The Honorable* ARCHd KENNEDY, Esq, Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair

His Honor the Lieutenant Governor being come to the Council Chamber at the City Hall sent a Message by the Deputy Clerk of the Council to the General Assembly requiring their immediate attendance

The General Assembly accordingly attending wth their Speaker

His Honor in presence of the Council & General Assembly gave his assent to the ffollowing Bills vizt

1. An Act to continue An Act Intitled, An Act to regulate the Militia of this Colony wth an addition thereto

2. An Act for letting to ffarm the Excise on Strong Liquors retailed in this Colony from the first of Novr next to the first day of November in the year 1741

3. An Act to enable the Justices of the peace living in that part of Orange County lying to the northward of the mountains for raisiug a sum not exceeding one hundred pounds for finishing & compleating the Court house & Goal in Goshen

4. An Act to encourage the destroying of Woolves & panthers in Dutches County & of Woolves in Ulster & Orange Counties

5. An Act to prevent abuses in the repacking of beef & pork

6. An Act to enable the Mayor Recorder & Aldermen of the City of Albany & Justices of the peace of the said City & County to build a new Court house & Goal for the sd City & County

7. An Act to cancell the Bills of Credit emitted in the years 1715, 1720, 1723 & 1724

8. An Act to repeal that part of An Act to lay a Duty on the goods & a Tax on the Slaves therein mentioned during the time & for the use mentioned in the same which imposes a duty on Syder pork & beef & to grant in liew thereof a Duty on goods sold at vendue

9. An Act to pay the Revd Mr Alexander Malcom the sum of £111.7.6 out of the fund therein mentioned

10. An Act for & towards supporting the Governmt of this Colony by granting to his Majesty the Duties therein mentioned from the first day of December 1740 to the first day of December 1741

11. An Act to support the Garrison at Oswego & to regulate the ffurr Trade in the County of Albany

12. An Act for the better relief of the poor in Dutches County

13. An Act to apply the monies granted for the support of this Governmt in payment of the sevl sallaries & other allowances until the first day of September 1741

The raisures in Bill No 5 vizt

In pa 1st Line 18th the letter (N)

In pa 2 Line 19th the words (NEW YORK)

4th Line 8th the words (NEW YORK)

In same pa lines 17. 18. 19 & 20 the words (unsound or unmerchantable or of the produce of the aforesaid Colonies of North Carolina, Virginia or Maryland or any or either of them with any beef or pork branded with the New York Brand)

In pa. 5th Line 1st the words (NEW YORK) are wrote after raisure

The raisures in Bill No 6 vizt
In page 1st Lines 22, 23, & 24th the words (that shall be appointed & named in the manner hereafter directed for building & erecting the Court house & Goal)
2^{d} line 2^{d} the words (after the)
line 19th the words (or the major part of them at)
3^{d} line 7th the words (the money)
16th the words (of the said) and in same page line 21st the word (French) are all wrote after raisure
The raisures in Bill No 8 vizt
In pa 2^{d} line 15th the words (out cry)
No 10 The raisures in this Bill vizt
In page 1st line 7th the word (General)
4th last line the words (case such) & in same line (not dye)
page 5th line 21st the words (name in the ffourth (whether)
page 7th line 10th the words (out a) & the letters s : u)
8th lines 8 & 9th the words (shall be reported by the Importer or some other person)
page 10th line 21st the word (the) & the letters (Impor)
17th line 12th the word (carried)
20th line 18th the words (& the)
21st line 16th the words (that slaves) & in page
23^{d} line 22^{d} the words (the powers duties &) are all wrote after raisure
The Raisures in Bill No 11
In pa 1 Line 6 & 7 the words (and at the same time enables us to make very valuable returns to Great Britain But as the Funds granted)
In pa 2 line 2 the word (or)
Sa p^{e} 2^{d} line the 5 the words (said first)
pa 6 line the 6 the word (party)
pa 7 line the 7 the word (shall)
pa 11 line 8. the words (shall be)
pa 13 line 12 the word (shall)
15 the words (& to certify in the same that the)
pa 16 line 14 the word (Traders)
pa 23 line 13 the word (and)
pa 30 line 14 the word (France)
pa 34 line 16 the word (or—) and
In same pa line 21 the words (duties imported)

TWENTY-SECOND ASSEMBLY SIXTH SESSION.

At a Session *of the* Councill and Generall Assembly *began at the City Hall, in* New York, *on* Tuesday, *the fourteenth day of* Aprill, 1741.

The Generall Assembly having stood adjourned to this day
The Councill met at the Councill Chamber

Present — *The Honoble* Cadwallader Colden, Esqr, Speaker,
Philip Courtlandt,
Henry Lane,
Danl Horsmanden, Esq^{rs}.

The Speaker assumed the Chair
The Councill being informed that there were not a sufficient number of the members of ye Generall Assembly in Town to make a House adjourned till to morrow morning ten of the clock

Wednesday the fifteenth day of Aprl, 1741.

The Councill met according to adjournment

PRESENT — *The Honoble* CADWALLADER COLDEN, Esq, Speaker,

PHILIP COURTLANDT,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs.

The Speaker assumed the Chair

His Honor the Lieutenant Governour being come to the Councill Chamber sent a Message by the Deputy Clerk of the Council to the Generall Assembly requiring their immediate attendance at the Councill Chamber

The Generall Assembly accordingly attending with their Speaker

His Honour made a Speech to the Council and Generall Assembly and delivered one copy thereof to ye Speaker of the Council and another copy to the Speaker of ye Generall Assembly

After which His Honour left ye Councill Chamber

Then the Speaker resumed ye Chair

Ordered, that his Honors speech be read

Which being read accordingly it was further

Ordered, that the same be entred in the minutes and is in the words following vizt

Gentlemen,

If you look back to the happy Revolution and call to mind the great & constant Protection that you have from that time received from the gracious and bountifull Hands of his present Majestye (whom God long preserve) and of his Royall predecessors in the Enjoyment of your civill and sacred Rights & priviledges, and in the security of your Trade and Defence of the Country at a vast Expence of the Crown you will find that you have been more highly favoured than any other of his Majestyes Provinces; and every thankfull Breast must acknowledge it deserves the highest Returns of Gratitude & Duty not in words but in Actions the only sure Evidence of the sincerity of men's Hearts. The People liv'd in ease and quiet under the most excellent Constitution of Government Every one Injoying the fruit of his Labour without Molestation or fear of Oppression An happiness which none but his Majestye's Subjects know In a gratefull and dutifull acknowledgment whereof they for many years supported the Government in a manner conformable to that of the Parliament of England, like them too never questioning the Kings Royall Prerogative and undoubted right to appoint officers for the management of his Revenue But whether grown wanton by prosperity or whatever else it was they began to divert from the example of the parliament, demanding to have the nomination of a Treasurer for ye Receipt & management of the mony to be given not for the Support of Government, but for extraordinary uses, & being Indulged in this, they soon grew in their demands, and insisted npon having the Revenue likewise put into his hands, it being constantly before managed by the Kings Officer, his Majesty's Receiver General, who had & still has a salary allowed him for that service, wch is paid out of his Majesty's Quit Rents. This prosperous beginning encouraged them to go on farther, & it was a bold & large stride they next took, they considered that not-withstanding they had the Nomination of a Treasurer, yet he was not so entirely under their direction & in their power, but yt his Majesty's Auditor General had the Inspection & Controul of his Accounts; an Office of great distinction & of absolute necessity for his Majesty's service, Established in King Charles the seconds time & at present in a person of very high honour Intrest & Trust at home, of whose Influence the plantations have often felt & may as often feel ye happy effects. Yet so inordinate is the thirst of power yt no consideration how equitable, prudential or beneficial soever must stand in its way. Wherefore after the Expiration of ye Revenue in 1709 wch till then, had been all along given without any perticular application, they resolv'd to get rid of all Restraint at once, & to attain their ends refused to suport the Government, unless they had the perticular Appointments of the Officers sallaries; thereby making themselves Judges what officers were proper, what not; In consequence whereof, among others they left the Auditor General without any Salary or Reward, altho' his Salary was established soon after ye Revolution & Constantly paid, thus fixing on themselves ye dependence of the Officers for whom they provided (for men are naturally servants to those who pay them) they in Effect subverted the Constitution assuming to themselves one undoubted & essential branch of his Majesty's Royall Prerogative. I would willingly perswade my self that nothing but the late Disorders which so much distracted the minds of the People kept them from returning to a just sense of their duty to his Majesty, & yt now those disorders are happily ended, Sober and resonable Councils will take place & the example of yt august body, the parliament, will be the Rule of your future actions, this & only this will remove as to this province, a jealousy which for some years has obtained in England, that the plantations are not without thoughts of throwing off their Dependence on the Crown of England I hope &

believe no man in this province has any such Intention, but neither my hopes nor belief will have the weight of your actions, & as you have it in your power, so it is your Duty & true Interest to do it effectually, by giving to his Majesty such a Revenue, & in such manner, as will enable his Majesty to pay his own Officers & Servants, whereby they will be reclaimed to their proper Dependance, & such as the flourishing Condition of the province will amply admit, wch from the great Increase of the trade & people, is well known to be vastly better than it was above forty years ago, when & for many years before & after, such a Revenue as I speak of, was given by the then Assemblies, at the same time that large sums of money were raised to pay detatchments of the Militia which were sent to the frontiers for their defence in time of warr. The next thing I recommended to yor consideration is the Defence of the Province; for tho' all y^t^ human wisdom or fore sight could do to preserve us in Peace has been done, and wee have long enjoyed the blessings of it, yet if appearances at a distance deceive not, there is great cause to apprehend a speedy Rupture wth france: Yo^r^ situation therefore ought to awaken you to a timely provision against that event, in fortifying this town in a better manner than it is at present, by erecting batteries in proper places, upon some of the wharffs facing the harbour, others upon the side of Hudsons River, adjoining to the Town, & one at Red Hook, upon Long Island to prevent the Enemy from landing upon Nutten Island: you will see by his Majesty's Order, which I will communicate to you, that his Majesty has been grasciously pleased of his great bounty & care of yor preservation, to order a large Quantity of stores of warr to be sent hither, among which is a great number of ordnance, so that the batteries to be built may be proportioned to the number of Ordnance proper for them, those of the smalest sizes being better suited to the frontier forts in the county of Albany; powder, ball (flags none of the forts having any at present) & whatever else is wanting for the Ordnance, the forts & batteries & general defence of the Province, you must provide in time, as well as for the expence that will unavoidably accrue on the arrival of the stores for carrying them to proper places mounting the guns & other necessary services. The house at Oswego being of the highest Importance to the furr-trade, ought by all means to be preserved from falling into the hands of the french, which it will do, if some speedy & effectual care be not taken to put it into a posture of defence; for which end it is necessary that it be surrounded wth strong & proper works, & that the Garrison be proportionably augmented. And if to his Majesties Troops in garrison there, a sufficient number of Indians of the Six Nations be added, it might have the best effect, especially if those Nations can be brought to let the Governour of Canada know that they have taken upon them to Defend it, as the only place where they can be supplyed at a moderate rate, with such goods as their necessities require, which perhaps they may be induced to do, if they are dealt with in time & before an actual Rupture with france, and I am of opinion, it is absolutely necessary that I meet them as I will readily do, so soon as you enable me, not only for that purpose, but also, to confirm them in their fidelity to his Majesty which by the Intrigues of the french has of late years been much shaken, if wee tie them closely to us and there is no other way to do it than by presents, they will be our best barrier and the surest protection of the frontier settlements, at the least Expence, tho' it Cannot be expected but that it must be greater than in time of peace, both because it will be necessary they be oftener treated with & that the Commissioners of Indian Affairs be more amply supplyed with money, as their ocasions to employ Indians as spies upon the designs & motions of the Enemy will be more frequent. If you suffer Oswego to fall into the hands of the french, I much fear you will loose the Six Nations, an event which will expose the whole country to the merciless spoil and barbarous cruelty of a savage enemy, the miseries whereof a Neighbouring province has often felt nor could prevent at a vast Charge; wherefore at any expence Oswego ought to be maintaind that the fidelity of the Six Nations may be Preserved, I have done my duty & discharged my conscience, in giving you this warning, do yours & save your country from ruin. At present, if any part of the Province should be invaded & money absolutely necessary for any service, even in such an Exigency I Cannot either wth or without the advice of the Council, draw for a penny, a circumstance well worth your consideration

Gentlemen,

The Militia ought to be put under some better Regulation in case of an invasion, nor should any man that is able to bear arms be exempted from serving & doing duty

An Agent in England to negociate the affairs of the Province is always necessary, it is owing to the want of one that wee have not yet received the stores of warr & to the same cause you must Impute whatever other disadvantage you may feel by not having the affairs of the Province properly Represented, & duly solicited by some Gentleman, whose Integrity, abilities & person being well known to the ministry, will give him access to them at all times. I wish with all my heart, I had no more to say to you at this time, but how melancholy soever it be, I am obliged to mention to you the late fatal fire that laid in ashes the house, chaple, barracks & Secretary's office in his Majesty's fort in this Town, accidentily occasioned by mending a Gutter on the Roof of the House adjoining to the Chappel which having leaked all winter had much damaged & would soon have rotted the Timber & floors of that part of the house, so that what was Intended for its preservation, unhappily turned to its destruction. I need not tell you how

necessary it is to have them speedily rebuilt, without doubt you are sensible of it & will make provision accordingly. The frequent fires which have happened in this Town, since that at the fort, giving room from many circumstances to beleive they have been kindled by design, call for some effectual law to Restrain the two great licence that the Negro's are allowed, or that they take without it, in assembling in great numbers, & at times & in places that give them opportunitys of Caballing, & the great losses that have been sustained by means of those fires when Goods have been removed to preserve them from the flames, requires some method to secure them for the future from being stolen, a night guard of the Militia will be very proper, to be constantly kept on foot, especially in time of warr but they must be oblig'd to that Duty by proper Penalties, & provision ought to be made for billeting the men who may be ordered to this Town for its Defence whenever occasion requires

GEORGE CLARKE.

Then the Councill adjourned till Fryday morning 11 of the clock

Fryday, Aprill 17th, 1741.

The Councill mett according to adjt

PRESENT — *The Honble* CADWALLADER COLDEN, Esqr, Speaker,

PHILIP LIVINGSTON,
PHILIP COURTLANDT,
HENRY LANE,
DAll HORSMANDEN, Esqrs.

The Speaker assumed the Chair
Then the Councill adjourned 'till Wednesday morning 11 of ye clock

Wednesday the 22d *April*, 1741.

The Councill met according to adjournmt

PRESENT — *The Honble* PHILIP LIVINGSTON, Esq, Speaker,

PHILIP COURTLANDT,
HENRY LANE,
DAll HORSMANDEN, Esqrs.

The Speaker assumed the Chair
Then the Councill adjd till Wednesday ye 29th of Aprill 11 of ye clock in ye forenoon

Wednesday, the 29th *of Aprill*, 1741.

The Councill met according to adjournment

PRESENT — *The Honble* PHILIP COURTLANDT, Esqr, Speaker,

HENRY LANE, Esqr,
DAll HORSMANDEN, Esqr.

The Speaker assumed the Chair
Whereas by his Majestyes Instructions to ye Governor or Comander in Chief of this Province for the time being It is required that not less than five Councellors shall make a Quorum, and as four of the Councill are at this time absent on his Majestyes Especiall command attending the execution of a Comission for adjusting the boundaries between the Governments of ye Massachusets Bay and Rhode Island, By reason whereof there are no more than three of the Councill left to dispatch the Business in this Session of Assembly, It is therefore

Ordered, that in case one of the three should be at any time absent, that the other two may adjourn the Councill from time to time at any time as the nature of the case may require

Then the Councill adjourned till Thursday the seventh day of May next 11 of the clock

Thursday the 7th *May*, 1741.

The Council met according to adjournment

PRESENT— *The Honble* HENRY LANE, Esqr, Speaker,
DANIEL HORSMANDEN, Esqr.

The Speaker assumed the Chair
The Councill then adjourned till Fryday the 15th day of May 11 of the clock of ye forenoon

Fryday the fifteenth day of May.

The Councill met according to adjournmt

PRESENT— *The Honble* HENRY LANE, Esqr, Speaker,
DAll HORSMANDEN, Esqr.

The Speaker assumed the Chair
The Council then adjourned to Wednesday ye 20th of May 11 of ye clock of the forenoon

Wednesday, 20th *May*, 1741.

The Councill met according to adjournmt

PRESENT — *The Honble* HENRY LANE, Esqr, Speaker,
DAll HORSMANDEN, Esqr.

The Speaker assumed the Chair
Then the Councill adjourned to Wednesday ye 27th May 11 of ye clock of ye forenoon

Wednesday, 27th *May*, 1741.

The Councill met according to adjt

PRESENT — *The Honble* PHILIP COURTLANDT, Esqr, Speaker,
HENRY LANE,
DAll HORSMANDEN, Esqrs.

The Speaker assumed the Chair
Then the Councill adjourned till to morrow 4 of ye clock in the afternoon

Thursday 28th *May*, 1741.

The Councill met according to adjournment

PRESENT — *The Honble* PHILIP COURTLANDT, Esqr, Speaker,
HENRY LANE,
DAl HORSMANDEN, Esqrs.

The Speaker assumed the Chair
His Honour the Lieutenant Governour attended as usuall being come to the Councill Chamber sent a Message by the Deputy Clerk of the Councill to the Generall Assembly requiring their Imediate attendance
The Generall Assembly accordingly attending with their Speaker

His Honour made a speech to the Councill and Generall Assembly and delivered one copy thereof to the Speaker of the Councill and another copy to the Speaker of the Generall Assembly

After which his Hōnor returned to his House

Then the Speaker resumed the Chair

Ordered, that his Honours speech be read.

Which being read accordingly ffurther

Ordered, that the same be entred in the minnitts and is in ye words following vizt

Gentlemen,

Since I spoke to you at the opening of this Session I have had the Honour to receive a Letter of ye 4th of December last from his Grace the Duke of Newcastle his Majestyes most principall Secretarye of State signifying, That as it is probable that Recruits will be wanted for the forces under Lord Cathcart's command, or even that Lord Cathcart may write to have a greater number of Troops from North America than are at present sent to him It is his Majestyes commands that if Lord Cathcart should think proper to write to me for any number of men for Recruits, or for any other service, I should endeavour to raise them Wherefore it being probable that Generall Wentworth who succeeds Lord Cathcart in the command of his Majesties Forces in the West Indies, may in the time of your recess write to me for Recruits, or new Levies, I thought it necessary at this time to recōmend to you to make provision for the victualling and transporting such number of men, as I may raise in obedience to his Majestyes commands for the purposes mentioned, lest if I wait till your next meeting before I recommend it to you His Majestyes service may suffer by delayes You cannot more effectually show your zeal for his Majestyes Hōnor and service and the prosperity of this Province than by exerting yourselves on this occasion, and I hope the glorious Beginning already made by his Majestyes Forces will help to excite you to speedy and generous Resolutions.

GEO CLARKE.

28th *May* 1741

Then the Council adjourned to Tuesday next at 11 of the clock of the forenoon

Tuesday, 2^d *June*, 1741.

The Council met according to adjournment

PRESENT — *The Honble* PHILIP COURTLANDT, Esqr, Speaker,

HENRY LANE,
DA^ll HORSMANDEN, Esq^rs.

The Speaker assumed the Chair

A Message from the Assembly by Coll Moore and Mr Clarkson with the Bill Entitled, An Act for the better fortifying of this Colony, and other the purposes therein mentioned desiring the concurrence of the Councill thereto

Ordered, that the said Bill be read

Then the said Bill was read the first time

Ordered, that the said Bill be read a 2^d time to morrow

Then the Councill adjourned till to morrow morning 11

Wednesday, 3^d *June*, 1741.

The Councill met according to adjournment

PRESENT — *The Honble* PHILIP COURTLANDT, Esqr, Speaker,

HENRY LANE,
DAN^ll HORSMANDEN, Esq^rs.

The Speaker assumed the Chair

The Bill entitled, An Act for the better fortifying of this Colony and other the purposes therein mentioned was read a second time and

Ordered, to be committed to the Gentlemen of ye Councill or any three of them

Then the Councill adjourned till Monday morning next 9 of ye clock

Monday, 8th *June*, 1741.

The Councill met according to adjournment

PRESENT — *The Honble* PHILIP COURTLANDT, Esqr, Speaker,

HENRY LANE,
DANIELL HORSMANDEN, Esqrs.

The Speaker assumed the Chair
A Message from the Assembly by Coll Moore & Mr Clarkson, with the Bill Entitled, An Act for the more Equall keeping Military Watches in the City of New York and for other the purposes therein mentioned desiring the concurrence of the Council thereunto
Ordered, that the said Bill be now read
Then the said Bill was read ye first time
Ordered, that the said Bill be read a second time
Then the Councill resolv'd themselves into a Committee on the Bill entituled, An Act for the better fortifying this Colony and other the purposes therein mentioned
The Cõmee having duly weighed and considered of the said Bill and being ready to make their Report thereon when the Councill would please to receive the same
The Speaker resumed the Chair
Ordered, that the said Report be made imediately
Then Mr Horsmanden Chairman of the Committee to whom the said Bill was referred in his place reported that the Comittee had gone through the same and had directed him to report the same without any amendment
Which Report on the Question being put was agreed to and approved of
Ordered, that the said Bill be read a third time
Then the Councill adjourned till Wednesday morning 9 of the clock

Wednesday, 10th *June*, 1741.

The Councill met according to adjournment

PRESENT — *The Honble* PHILIP COURTLANDT, Esqr, Speaker,

HENRY LANE,
DAll HORSMANDEN, Esqrs.

The Speaker assumed the Chair
The Bill entitled, An Act for the better fortifying of this Colony and other the purposes therein mentioned was read the third time and
On the Question being put
Ordered, that the said Bill do pass
The Bill entitled, An Act for the more equall keeping Military watches in the City of New York and for other the purposes therein mentioned was read a second time and
Ordered, to be comitted to the Gentlemen of the Councill or any three of them
Then the Councill adjourned till to morrow morning 11 of the clock

Thursday, 11th *June*, 1741.

The Councill met according to adjournment

PRESENT — *The Honble* PHILIP COURTLANDT, Esqr, Speaker,

HENRY LANE,
DANll HORSMANDEN, Esqrs.

The Speaker assumed the Chair
Then the Councill resolv'd into a Cõmee on the Bill Entitled, An Act for the more Equall keeping of Military Watches in the City of New York and for other the purposes therein mentioned
The Cõmee having duly weighed and considered of the said Bill and being ready to make their Report thereon when the Council would please to receive the same

The Speaker resumed the Chair

Ordered, That the said Report be made imediately

Then Mr Horsmanden Chairman of the Cōmee to whom the said Bill was referred in his place reported that the Cōmee had gone through the same and had made severall amendments thereunto

Ordered, that the said Amendments be read

Then the amendments made to the said Bill were read and

On the Question being put were agreed to and approved of

Ordered, that the said Bill be read a third time as amended

Then the Councill adjourned till to morrow morning 11 of ye clock

Fryday, 12th *June*, 1741.

The Councill mett according to adjournment

PRESENT — *The Honble* PHILIP COURTLANDT, Esqr, Speaker,

HENRY LANE,
DAll HORSMANDEN, Esqrs.

The Speaker assumed the Chair

Then the Bill entitled, An Act for the more equall keeping Military Watches in the City of New York and for other the purposes therein mentioned was read the third time as amended &

On the Question being put

Resolved, that the said Bill as amended do pass

Ordered, that the Hōnble Daniel Horsmanden do carry the said Bill together with the amendments made by the Councill thereto to the Generall Assembly & desire their concurrence therewith

Ordered, that the Honble Daniel Horsmanden Esqr do acquaint ye Generall Assembly that ye Councill have passed ye Bill entitled, An Act for the better Fortifying of this Colony and other the purposes therein mentioned without any amendments

Then the Councill adjourned till to morrow morning 9 of ye clock

Saturday, 13th *June*, 1741.

The Councill met according to adjournment

PRESENT — *The Honble* PHILIP COURTLANDT, Esqr, Speaker,

HENRY LANE,
DAll HORSMANDEN, Esqrs.

The Speaker assumed the Chair

A Message from the Assembly by Col Moore & Mr Clarkson with the Bill entitled, An Act for the more Equall keeping Military Watches in the City of New York & for other the purposes therein mentd and amendments thereunto & to acquaint the Councill that the Assembly had agreed to ye amendments by them made thereto and to desire they will amend the Bill accordingly

Then the said Bill was amended accordingly

His Honour the Governour being come to the Councill Chamber sent a Message by the Deputy Clerk of the Councill to the Generall Assembly requiring their Imediate attendance

The Generall Assembly attending accordingly with their Speaker

His Honour in the presence of the Councill and Generall Assembly gave his Assent to the following Bills vizt

An Act for the better fortifying of this Colony and other the Purposes therein mentioned

An Act for the more equall keeping Military Watches in the City of New York and for other the purposes therein mentioned

Then His Honour addressing himself to the Generall Assembly was pleased to say that after the Acts aforesaid were published the House might repair to their Assembly Chamber & adjourn itself to the third Tuesday in September next

After which his Honour attended as usuall went to the City Hall and there caused the aforesaid Acts to be published After which with the usual solemnity returned back to his House

Then the Councill returned to the Councill Chamber

PRESENT as before

The Speaker assumed the Chair
His Honour the Governour having directed the Generall Assembly to adjourn themselves to he third Tuesday in September next
The Councill therefore adjourned to the said third Tuesday in September next Then to proceed to Business without further notice

TWENTY-SECOND ASSEMBLY SEVENTH SESSION

At a Session *of the* Councill *and* Generall Assembly *began at the City Hall in* New York, *on* Tuesday *the ffifteenth day of* September, 1741.

The Generall Assembly having stood adjourned to this day
The Councill met at the Councill Chamber
But there not being a sufficient number of the Members of the Generall Assembly in Town to make a House The Councill adjournd till Thursday the Seventeenth 10 of the clock

Thursday the 17th *September*, 1741.

The Councill met according to adjournment.

PRESENT — *The Honble* ARCHIBALD KENNEDY, Esqr, Speaker,
Mr CHIEF JUSTICE,
PHILIP COURTLANDT,
HENRY LANE,
DAll HORSMANDEN, Esqrs.

The Speaker assumed the Chair
His Honor the Lieutenant Governour being come to the Councill Chamber sent a Message by ye Deputy Clerk of the Councill to the Generall Assembly requiring their Imediate attendance at the Councill Chamber
The Generall Assembly accordingly attending with their Speaker His Honour made a Speech to the Councill & Generall Assembly and delivered one copy thereof to the Speaker of the Councill & another to the Speaker of the Generall Assembly
After which his Honour left the Councill Chamber
Then the Speaker resumed the Chair
The Councill adjourned till to morrow morning 11

Fryday the 18th *Sepr*, 1741.

The Councill met according to adjournment

PRESENT — *The Honble* ARCHd KENNEDY, Esqr, Speaker,
Mr CHIEF JUSTICE,
PHILIP COURTLANDT,
HENRY LANE,
DAll HORSMANDEN, Esqrs.

The Speaker assumed the Chair
Ordered, that his Honour's Speech be read
Which being read accordingly it was further
Ordered that the same be entred in ye minutes and is in the words following

Gentlemen,

At your last sitting I acquainted you that I had Received his Majesties commands to raise Recruits for his Majesties forces in the West Indies, & even new Troops, when the Generall should write for them I recommended it to you to make provision for victualing & transporting such a number of men as I might so raise, whereupon you resolved at your next meeting to take into consideration what may be proper to be done by this Colony in Relation to that part of my Speech which Related to Recruits for the Expedition against the Spaniards in the West Indies if Generall Wentworth or the Generall of those forces for the time being should in the mean while apply for such Recruits from the said Coloney.

Gentlemen,

Generall Wentworth has wrote to me for Recruits & new forces, wherefore I now call upon you to come to a Speedy Resolution to provide Provisions & Transports for the men I may raise for that service his Majesties forces have now gained sure footing on the Island of Cuba, & you will be very much wanting in your Duty to his Majesty and to the Interest of this Province If you do not give all the assistance in your power to strengthen his Majesties Army there, which by the Divine Assistance may Enlarge their conquests to that Extent, as may give large and numerous settlements to such a Colony of People as may in time take off more of the Provisions of these Northern Provinces than all the other Islands in the West Indies, an event that will Increase & secure our Trade & Navigation & enrich you beyond all other means that can be devised.

Gentlemen,

You cannot be too careful to preserve by good laws the Reputation of bread & flour the staple commodities of the Province which when once lost it will be very difficult to Retrieve nor is less care required to prevent the Bakers and Bolters from committing frauds in the Tare of their Casks an evil at present very much complained of and calling for speedy redress

Gentlemen,

It is High time for you to make Provision for rebuilding the House, Chappel & the rest of the Barracks & Edifices in the fort that were Destroyed by the late fire kindled in consequence of the Horrid Result of an Execrable Conspiracy, to burn this whole Town & to Destroy the people which nothing but Divine Providence hindered from being fully executed nor do I think we ought now to rest in such supine security, as to be careless of our present & future safety, wherefore I think it necessary that the people be oblidged by some good law to continue their Military Night Watches & the officers thereof authorized, under proper Regulations to preserve the City from all dangers in the night time which I recommend to your consideration, the Act lately passed for the more equall keeping Military Watches being by its own Limitation, soon to expire

Gentlemen,

There are severall things which I mentioned to you at your meeting in the month of April last, some whereof have not been at all & others not so fully considered & provided for by you as they ought I do therefore Referring you to what I then said, now again recommend those things to you. I cannot however, but in particular take notice to you that the Antient Loyal & dutifull method of giving a Revenue for a term of years & without applications has been too long disused which has much weaken'd the naturall constitution of the Government, and if not speedily remidied may involve the Country in many & almost Irretrievable miseries. Those evils it is in your power to prevent by giving to his Majesty such a Revenue & for such term of years without particular applications of it as former Assemblies gave. Your Country is much more able to do it now than ever it was; it is what his Majesty expects from you, what a Governor will insist on as his predecessors have done, & as he in Reason ought & what I truly and sincerely think is your Interest, as it is your duty to do This is the last opportnuity I shall have to speak to you & as I can consequently have no private views in it, that Injurious Insinuation which heretofore might take place in weak minds can now no where find Reception & every considerate man will from thence conclude that my urging you to give a Revenue, in the manner I mention, proceeds from the just sentiments of my heart, as I assure you they do from the affection I bear to ye Province whose true Interest & happiness have been my daily study & constant care

GEO CLARKE.

Sepr 17th 1741

Then the Councill adjournd till Wednesday morning next at 11 of ye clock

Wednesday, 23^{d} *Sep^{r}*, 1741.

The Councill met according to adjournment

PRESENT — *The Honourable* ARCH KENNEDY, Esq, Speaker,
Mr CHIEF JUSTICE,
Mr COURTLANDT,
Mr LANE,
Mr HORSMANDEN.

The Speaker assumed the Chair
Then the Councill adjournd till Wednesday morning the 30th Inst 11 of the clock

Wednesday, 30th *Sep^{r}*, 1741.

The Councill met according to adjournment

PRESENT — *The Honourable* CADWALLADER COLDEN, Esq, Speaker,
Mr KENNEDY,
Mr CHIEF JUSTICE,
Mr COURTLANDT,
Mr LANE,
Mr HORSMANDEN.

The Speaker assumed the Chair
Then the Councill adj^{d} till Tuesday morning next 11 of ye clock

Tuesday, *Oct^{r}* 6th, 1741.

The Councill met according to adjournm^{t}

PRESENT — *The Honble* ARCH^{d} KENNEDY, Esq, Speaker,
Mr CHIEF JUSTICE,
Mr CORTLANDT,
Mr LANE,
Mr HORSMANDEN.

The Speaker assumed the Chair
Then the Councill adj^{d} till Thursday morning next 11

Thursday, *Oct^{r}* 8th, 1741.

The Councill met according to adjournm^{t}

PRESENT — *The Honble* ARCHIBALD KENNEDY, Esq, Speaker,
JAMES DE LANCEY,
PHILIP COURTLANDT,
HENRY LANE,
DA^{ll} HORSMANDEN, Esq^{rs}.

The Speaker assumed the Chair
Then the Councill adj^{d} till Wednesday Octr ye 14th 11 of ye clock of ye Forenoon

*Wednesday, Oct*r 14th, 1741.

The Councill met according to adjournment

PRESENT — *The Honble* ARCHIBALD KENNEDY, Esq, Speaker,

JAMES DE LANCEY,
PHILIP COURTLANDT,
HENRY LANE,
DAll HORSMANDEN, Esqrs.

The Speaker assumed the Chair
Then the Councill adjourned till Fryday morning next 11 of ye clock

*Fryday Oct*r 16th, 1741.

The Councill met according to adjournment

PRESENT *The Honble* ARCHd KENNEDY, Esqr, Speaker,

JAMES DE LANCEY,
HENRY LANE,
DANll HORSMANDEN, Esqrs.

The Speaker assumed the Chair
A Message from the Assembly by Mr Jones and Mr Pierson with the Bill Entituled, An Act to revive An Act Entituled, An Act to Restrain Tavern Keepers and Innholders from Selling Strong Liquors to Servants and Apprentices & from giving large Credit to others desiring the Concurrence of the Councill thereunto
Ordered, that the said Bill be read
Then the said Bill was read the first time
Ordered, that the Said Bill be read a Second time
Then the Councill adjourned till four of the clock in the afternoon

*Fryday, Oct*r 16th, 1741. Post Merid

The Councill met according to adjournmt

PRESENT as before

The Speaker assumed the Chair
A Message from the Assembly by Mr Le Count and Mr Purdy with the Bill Entituled, An Act to continue An Act Entituled, An Act for & towards the supporting the Government of this Colony by granting to his Majestye the Duties therein mentioned from the first Day of December 1740 to the first Day of December 1741 desiring the Concurrence of the Councill thereunto
Ordered, that the Bill be read
Then the said Bill was read the first time
Ordered that ye said Bill be read a second time
Then the Councill adjourned till to morrow morning 10 of the clock

*Saturday, Oct*r 17t, 1741.

The Councill met according to adjournmt

PRESENT — *The Honble* ARCHIBALD KENNEDY, Esq, Speaker,

JAMES DE LANCEY,
HENRY LANE,
DANll HORSMANDEN, Esqrs.

The Speaker assumed the Chair
His Honour the Lieut Governour attended as usual being come to the Councill Chamber sent a Message by the Deputy Clerk of the Councill to the Generall Assembly requiring their Imediate attendance at the Councill Chamber
The Generall Assembly attending accordingly with their Speaker
His Honour address'd himself to them as followeth

Gentlemen,
I have sent for you to put an End to this present Sessions and to prorogue you till Monday next and I do accordingly prorogue you till next Monday, when you are to meet and proceed upon the Business I have before recommended to you

At a Session *of the* Councill *and* Generall Assembly *begun* (*according to Prorogation*) *at the* City Hall *in* New York, *on* Monday *the nineteenth day of* Octr, 1741.

The Councill and Generall Assembly having stood Prorogued to this day
The Councill met at the Councill Chamber

PRESENT — *The Honble* ARCHIBALD KENNEDY, Esq, Speaker,

JAMES DE LANCEY,
HENRY LANE,
DANll HORSMANDEN, Esqrs.

The Speaker assumed the Chair
Then the Councill adjourned to Fryday the 23d 11 of the clock

*Fryday, Oct*r 23d, 1741.

The Councill met according to adjournmt

PRESENT — *The Honble* ARCHIBALD KENNEDY, Esq, Speaker,

JAMES DE LANCEY,
HENRY LANE,
DANll HORSMANDEN, Esqrs.

The Speaker assumed the Chair
Then the Council adjd to Tuesday morning 11 of the clock

Tuesday, Octr 27th, 1741.

The Councill met according to adjournmt

Present — *The Honble* Archibald Kennedy, Esq, Speaker,

James De Lancey,
Philip Cortlandt,
Henry Lane,
Dall Horsmanden, Esqrs.

The Speaker assumed the Chair

A Message from the Assembly by Col Schuyler and Mr Hardenbergh with the Bill Entitled, An Act to Continue An Act Entitled, An Act for and towards supporting the Governmt of this Colony by granting to his Majesty the Duties therein mentioned from the first Day of December 1740 to the first Day of Decr 1741 Desiring the concurrence of the Councill thereto

Ordered, that the said Bill be now read

Then the said Bill was read the first time

Ordered, that the said Bill be read a 2d time

A Message from the Assembly by Alderman Roome & Alderman Moore with the Bill Entitled, An Act for the more Equall & Orderly keeping a suffict Night Watch in the City of New York and to enable the Corporation of the said City to raise the sum of five hundred and seventy four Pounds twelve shillings to defray the Charge thereof & for other the purposes thereinmentioned desiring the concurrence of the Council thereto

Also A Message from the Assembly by Mr Le Count and Mr Stillwell with the Bill entitled, An Act to enable the Justices of the Peace in the County of Richmond to finish and compleat their Court House desiring the Concurrence of the Councell thereto

Ordered, that the said Bills be read

Then the said Bills were read the first time

Ordered, that the sd Bills be read a 2d Time

Then the Councill adjourned to Thursday morning next 10 of the clock

Thursday, Octr 29th, 1741.

The Councill met according to adjournment

Present — *The Honble* Archd Kennedy, Esqr, Speaker,

James De Lancey,
Philip Cortlandt,
Henry Lane,
Dall Horsmanden, Esqrs.

The Speaker assumed the Chair

A Message from the Assembly by Capt Livingston & Mr Bradt with the Bill entitled, An Act to Let to Farm the Excise on Strong Liquors retailed in this Colony for one year Ending the first Day of November 1742 Desiring the concurrence of the Councill thereunto

Ordered, that the said Bill be read

Then the said Bill was read the first time

Ordered, that the Said Bill be read a 2d Time

A Message from the Assembly by Colle Moore & Colo Lott with the Bill Entituled, An Act to continue An Act entitled, An Act to regulate the Militia of this Colony with a further addition thereto Desiring the concurrence of the Councill thereunto

Ordered, that the said Bill be read

Then the said Bill was read the first Time .

Ordered, that the said Bill be read a 2d time

A Message from the Assembly by Mr Jones & Mr Haasbrook with the Bill Entituled, An Act to revive An Act Intituled, An Act to Restrain Tavern Keepers and Innholders from selling Strong Liquors to Servants and Apprentices and from giving large Credit to others

Ordered, that the said Bill be read

Then the said Bill was read the first time

Ordered, that the said Bill be read a 2d Time

Ordered, that the Bill Entituled, An Act to continue An Act Entituled, An Act for and towards supporting the Government of this Colony by Granting to his Majesty the Duties

therein mentioned from the first Day of December 1740 to the first Day of December 1741 be now read a Second Time

Then the said Bill was read a second Time

Ordered, that the said Bill be Comitted to the Gentlemen of the Councill or any five of them

Ordered, that the Bill Entituled, An Act for the more Equall and orderly keeping a sufficient Night Watch in the City of New York and to enable the Corporation of the said City to Raise the sum of five Hundred & Seventy four Pounds twelve shillings to defray the Charge thereof and for other the purposes therein mentioned be now read a second time

Then the said Bill was read the Second time and

Ordered, to be comitted to a Cõmee of the Councill or any 5 of them

Ordered, that the Bill Entituled, An Act to enable the Justices of the Peace in the County of Richmond to finish and Compleat their Court House be now read a Second time

Then the said Bill was read a Second Time &

Ordered to be Comitted to the Gentlemen of the Councill or any 5 of them

Then the Councill resolved themselves into a Comittee on the af^d three Bills

The Comittee having duly weighed and considered of the said Bills and being ready to make their Report thereon when the Councill would please to receive the Same

The Speaker resumed the Chair

Ordered, that the said Report be now made

Then Mr Horsmanden Chairman of the Cõmee to whom the said Bills were referred in his place reported that the Comittee had gone through the same and had directed him to report them witho^t Amendments

Which Report on the Question being put was agreed to and approved of

Ordered, that the Said Bills be read a third time

A message from the Assembly by Mr Cornell and Mr Pierson with a Bill Entitled, An Act for Returning Neat Cattle and Sheep to their owners desiring the Concurrence of ye Councill thereto

Ordered, that the said Bill be now read

Then the said Bill was read the first Time

Ordered, that the said Bill be read a 2^d time

Then the Council adjourned 'till Monday morning next 11 of the clock

Monday, Novr the 2^d, 1741.

The Councill met according to adjournment

PRESENT— *The Honble* ARCHIBALD KENNEDY, Esq, Speaker,

PHILIP CORTLANDT,
HENRY LANE,
DA^ll HORSMANDEN, Esq^rs.

A Message from the Assembly by Mr Verplank and Mr Terbos with a Bill Entitled, An Act to continue An Act Entitled, An Act to prevent Small Stallions running at Large in the Colony of New York and to Geld such as shall be under the size therein mentioned desiring the concurrence of the Councill thereto

Ordered, that the said Bill be now read

Then the said Bill was read the first time

Ordered, that the said Bill be read a second Time

Ordered, that the Bill Entitled, An Act to continue An Act Intitled, An Act to regulate the Mili ia of this Colony with a further addition thereto be now read a second time

Then the said Bill was read a second Time &

Ordered to be Comitted to the Gentlemen of the Councill or any five of them

Ordered, that the Bill Entitled, An Act to Let to Farm the Excise on Strong Liquors Retailed in this Colony for one year Ending the first day of November 1742 be now read a second time

Then the said Bill was read a second time and

Ordered to be Comitted to the Gentlemen of the Councill or any five of them

Ordered, that the Bill Entitled, An Act to Revive An Act Entituled, An Act to restrain Tavern Keepers and Inn holders from selling Strong Liquors to Servants & Apprentices and from giving large Credit to others, be now read a second Time

Then the said Bill was read a second time and

Ordered, to be comitted to the Gentlemen of the Councill or any five of them

Then the Councill adjourned till to morrow morning 11 of the clock

*Tuesday, Nov*r 3d, 1741.

The Councill met according to adjournmt

Present — *The Honble* Archd Kennedy, Esqr, Speaker,

James De Lancey,
Philip Courtlandt,
Henry Lane,
Dall Horsmanden, Esqrs.

The Speaker assumed the Chair

Ordered, that the Bill Entitled, An Act to continue An Act to prevent small stallions running at large in the Colony of New York and to Geld such as shall be under the size therein mentioned be read a second Time

Then the said Bill was read a second time and

Ordered, to be Comitted to the Gentlemen of the Council or any five of them

A Message from the Assembly by Mr Alderman Moore and Alderman Roome with the Bill entitled, An Act for mending and keeping in repair the Post Road from New York to Kings Bridge desiring the concurrence of the Councill thereto

Ordered, that the said Bill be now read

Then the said Bill was read the first time &

Ordered to be read a second time

A Message from the Assembly by Mr Pierson and Mr Nicoll with a Bill Entitled, An Act to Alter the Highway or publick Road from the West to the East part of David Coreys Land running along the Clift or Bank thereof Desiring the concurrence of the Councill thereto

Ordered, that the said Bill be now read

Then the said Bill was read the first time &

Ordered to be read a second Time

A Message from the Assembly by Alderman Moore & Aldn Roome with a Bill Entitled, An Act for mending and keeping in Repair the Publick Wells and Pumps in the City of New York desiring the concurrence of the Councill thereto

Ordered, that the sd Bill be now read

Then the said Bill was read the first Time and

Ordered to be read a second Time

A Message from the Assembly by Mr Terbos and Mr Gale with a Bill Entitled, An Act to prevent the Killing of Deer out of season desireing the concurrence of the Councill thereto

Ordered, that the said Bill be now read

Then the said Bill was read the first Time &

Ordered, that the said Bill be read a second time

Then the Councill adjourned till to morrow morning 11 of the clock

*Wednesday, Nov*r 4th, 1741.

The Councill met according to adjt

Present — *The Honble* Archd Kennedy, Esq, Speaker,

James De Lancey,
Philip Cortlandt,
Henry Lane,
Dall Horsmanden, Esqrs.

The Speaker assumed the Chair

Ordered, that the Bill Entitled, An Act to continue An Act Intituled, An Act for and towards supporting the Government of this Colony by Granting to his Majesty the Duties therein mentioned from the first day of December 1740 to the first day of December 1741 be now read a third time

Then the said Bill was read the third time and

On the Question being put

Resolved, that the said Bill do pass

The words [Intituled An Act] wrote on a rasure on the Eight Line of the foregoing Bill

Ordered, that the Bill Entituled, An Act for the more Equall and Orderly keeping a sufficient night Watch in the City of New York and to enable the Corporation of the said City

to raise the sum of Five hundred and seventy four pounds twelve shillings to defray the Charge thereof and for other the purposes therein mentioned be now read a third time

Then the said Bill was read a third time and

On the Question being put

Resolved, that the said Bill do pass

Ordered, that the Bill Entituled, An Act to enable the Justices of the Peace in the County of Richmond to finish and compleat their Court House be now read a third time

Then the said Bill was read a third time and

On the Question being put

Resolved, that the said Bill do pass

Ordered, that the Hōnble Da^{ll} Horsmanden Esqr do acquaint the Generall Assembly that the Councill have past the s^{d} Bills without any amendment

Then the Councill resolved themselves into a Comittee on the Bill Entituled, An Act to Let to Farm the Excise on Strong Liquors Retailed in this Colony for one year ending the first day of December 1742, and on the Bill Entituled, An Act to revive An Act Intituled, An Act to restrain Tavern keepers and Innholders from selling Strong Liquors to Servants and Apprentices and from giving large Credit to others, and on the Bill Entituled, An Act to continue An Act Intituled, An Act to Prevent Small Stallions running at large in the Colony of New York and to Geld such as shall be under the size therein mentioned

The Comittee having duly weighed and considered of the said Bills and being ready to make their report thereon when the Councill would be pleased to recieve the same

The Speaker reassumed the Chair

Ordered, that the said Report be made Imed^{y}

Then Mr Horsmanden Chairman of the Cōmee to whom the said Bills were referred in his place reported that they had gone through the same and had directed him to report them without amendments

Which Report on the Question being put was agreed to and approved of

Ordered, that the s^{d} Bills be read a 3^{d} time

Ordered, that the Bill Entitled, An Act to alter the publick Road from the West to the East part of David Corey's Land running along the Clift or Bank thereof be now read a second time

Then the said Bill was read a 2^{d} time

Ordered, that the said Bill be Comitted to the Gentlemen of the Councill or any five of them

Ordered, that the Bill Entitled, An Act for returning Neat Cattle and Sheep to their owners be now read a second time

Then the said Bill was read a second time and

Ordered, to be comitted to the Gent^{n} of the Councill or any 5 of them

Ordered, that the Bill Entit^{d}, An Act for mending & keeping in Repair ye Post Road from New York to Kings Bridge be read a 2^{d} time

Then ye s^{d} Bill was read a 2^{d} Time & comitted to the Gen^{n} of the Councill or any 5 of them

Ordered, that the Bill entitled, An Act to prevent the killing of Deer out of season be read a 2^{d} time

Then ye s^{d} Bill was read the 2^{d} time and

Ordered, that the said Bill be committed to the Gent^{n} of the Councill or any five of them

Then the Councill adjourned till three of the clock in the afternoon

Wednesday, Novr 4th, 1741. Post Merid.

The Councill met according to adjournm^{t}

PRESENT as before

The Speaker assumed the Chair

Ordered, that the Bill Entitled, An Act to Let to Farm the Excise on Strong Liquors retailed in this Colony for one year Ending the first day of November 1742 be now read a third time

Then the said Bill was read ye 3^{d} Time and

On the Question being put

Resolved, that the said Bill do pass

The Razures in the foregoing Bills are as follow

Fo 7 Lin 13 the words [Penalty is sooner discharged and] wrote on a razure

Fo 8 Lin 18 The words [and that all other] wrote on a Razure

Ordered, that the Bill Entituled, An Act to Revive An Act Intituled, An Act to restrain Tavern keepers and Innholders from selling Strong Liquors to Servants and Apprentices and from giving large Credit to others be now read a third time;

Then the s^d Bill was read a third time and
On the Question being put
Resolved, that the s^d Bill do pass
Ordered, that the Bill entitled, An Act to continue An Act Entituled, An Act to prevent small Stallions running at large in the Colony of New York and to Geld such as shall be under the size therein mentioned be read the third time
Then the said Bill was read the third time and
On the Question being put
Resolved, that the said Bill do pass
Then the Councill resolved themselves into a Comittee on the Bill Entituled, An Act to prevent the Killing of Deer out of season and on the Bill Entituled, An Act for mending and keeping in Repair the publick Wells and Pumps in the City of New York and also on the Bill Entitled, An Act for mending and keeping in Repair the Post Road from New York to Kings Bridge
The Comittee having duely weighed and considered of the said Bills & being ready to make their Report thereon when the Councill would be pleased to receive the same
The Speaker reassumed the Chair
Ordered, that the said Report be now made
Then Mr Horsmanden Chairman of the Comittee to whom the said Bills were referred in his place reported that they had gone through the same and had directed him to report the Bill Entitled, An Act to prevent the Killing of Deer out of season, and the Bill Entitled, An Act for mending & keeping in Repair the Post Road from New York to Kings Bridge without any amendment
Which Report on the Question being put was agreed to and approved of and
Ordered, that the s^d Bills be read a third time
And further Reported the Bill Entitled, An Act for mending and keeping in Repair the Publick Wells and Pumps in the City of New York with an amendment thereto
Ordered, that the said Amendment be read
Then the said Amendment made to the said Bill was read and
On the Question being put was agreed to and approved of and
Ordered, that the said Bill be read a third time as Amended
Then the Councill adjourned to Fryday morning Eleven of the clock

Fryday, Novr 6th, 1741.

The Councill met according to adjournment

PRESENT — *The Honble* ARCH^d KENNEDY, Esqr, Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANIELL HORSMANDEN, Esq^rs.

The Speaker assumed the Chair
A Message from the Assembly by Mr Haasbrook and Mr Hardenbergh with a Bill Entitled, An Act for dividing the Southern part of the County of Ulster into Precincts and to enable the Corporation of Kingston and the Mannor of Fox Hall to Chuse and elect one Supervisor desiring the concurrence of the Councill thereunto
Ordered, that the Said Bill be now read
Then the Said Bill was read the first time and
Ordered to be read a Second time
A Message from the Assembly by Mr Pierson & Mr Nicoll with a Bill Entitled, An Act to encourage the destroying of Wild Catts in the County of Suffolk Desiring the Concurrence of ye Councill thereunto
Ordered, that the Said Bill be now read
Then the Said Bill was read the first time and
Ordered to be read a Second time
Then the Councill resolved themselves into a Comittee on the Bill Entitled, An Act to Continue An Act Intituled, An Act to regulate the Militia of this Colony with a further addition thereto and also on the Bill Entitled, An Act for returning neat Cattle and Sheep to their owners
The Comittee having duely Weighed and Considered of the said Bills and being ready to make their Report thereon when the Councill would be pleased to receive the same
The Speaker resumed the Chair
Ordered, that the said Report be now made

Then Mr Horsmanden Chairman of the Comittee to whom the said Bills were referred in his place reported that they had gone through the same and had directed him to report the Bill Entitled, An Act to regulate the Militia of this Colony with a further addition thereto with Severall Amendments thereto

Then the Said Amendments were read and

On the Question being put were agreed to and approved of and

Ordered, that the said Bill be read a third time as amended

Then Mr Horsmanden further reported the Bill Entitled, An Act for Returning Neat Cattle and Sheep to their owners with an Amendment thereto

Then the sd Amendment was read &

On ye Question being put was agreed to and approved of &

Ordered, that the Said Bill be read a third time as Amended

Ordered, that the Bill Entitled, An Act for mending and keeping in Repair the Post Road from New York to Kings Bridge be now read a third time

Then the said Bill was read a third time and

On the Question being put

Resolved, that the said Bill do pass

Ordered, that the Hõnble Henry Lane Esqr do acquaint the Generall Assembly that the Councill have passed the said Bill without any amendment and also that the Councill have passed the Bill Entitled, An Act to let to Farm the Excise on Strong Liquors retailed in this Colony for one year Ending the first day of November 1742, and the Bill Entitled, An Act to continue An Act Entitled, An Act to prevent Small Stallions running at large in the Colony of New York and to Geld such as shall be under the size therein mentioned and also the Bill Entitled, An Act to revive An Act Entitled, An Act to restrain Tavern keepers and Imholders from selling Strong Liquors to Servants and Apprentices and from giving large Credit to others without any amendment

Ordered, that the Bill Entituled, An Act to prevent the Killing Deer out of season be read a third time

Then the said Bill was read a third time and

On the Question being put

Resolved, that the said Bill do pass

Then the Councill adjourned till to morrow morning 10 of the clock

Saturday, Novr 7th, 1741.

The Councill met according to adjournment

Present— *The Honble* Archd Kennedy, Esqr, Speaker,

James De Lancey,
Philip Cortlandt,
Henry Lane,
Dall Horsmanden, Esqrs.

The Speaker assumed the Chair

His Honour the Governour being come to the Councill Chamber sent a Message by the Deputy Clerk of the Councill to the Generall Assembly requiring their Imediate attendance

The Generall Assembly attending accordingly with their Speaker

His Honour in the presence of the Councill and Generall Assembly gave his Assent to the following Bills vizt

An Act to continue An Act Intituled, An Act for and towards supporting the Government of this Colony by Granting to his Majesty the Duties therein mentioned from the first Day of December 1740 to the first Day of December 1741

An Act to Let to Farm the Excise on Strong Liquors retailed in this Colony for one year Ending the first day of November 1742

An Act for the more Equall & Orderly keeping a Sufficient Night Watch in the City of New York and to enable the Corporation of the said City to raise the sum of five hundred and seventy four Pounds twelve shillings to Defray the charge thereof and for other the purposes therein mentioned

An Act for mending and keeping in Repair the Post Road from New York to King's Bridge

An Act to Revive An Act Intituled, An Act to restrain Tavern Keepers and Innholders from Selling Strong Liquors to Servants and Apprentices and from giving large Credit to others

An Act to continue An Act Intituled, An Act to prevent Small Stallions running at large in the Colony of New York and to Geld such as shall be under the size therein menc^d

An Act to Enable the Justices of the Peace in the County of Richmond to finish and compleat their Court House

After which His Honour attended as usual went to the City Hall and there caused the aforesaid Acts to be published and with the usual Solemnity returned back to his house

Then the Councill returned to the Councill Chamber

PRESENT as before

The Speaker assumed the Chair

Then the Councill adjourned till Monday morning 11 of ye clock

Monday, Novr 9th, 1741.

The Councill met according to adjournment

PRESENT — *The Honble* ARCH^d KENNEDY, Esq, Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DA^ll HORSMANDEN.

The Speaker assumed the Chair

Ordered, that the Bill Entitled, An Act to Encourage the Destroying of Wild Cats in the County of Suffolk be read a second time

Then the said Bill was read a second time and

Ordered, to be comitted to the Gentl^n of the Councill or any three of them

Ordered, that the Bill Entitled, An Act for dividing the southern part of the County of Ulster into Precincts and to enable the Corporation of Kingston and the mannor of Fox Hall to Chuse and Elect one Supervisor be read a second time

Then the said Bill was read a second time and comitted to the Gentlemen of the Councill or any five of them

Ordered, that the Bill Entitled, An Act to continue An Act Intituled, An Act to Regulate the Militia of this Colony with a further addition thereto be read a third time as amended

Then the said Bill was read a third time &

On the Question being put

Resolved, that the said Bill as amended do pass

Ordered, that the Bill Entituled, An Act for returning neat cattle and sheep to their owners be read a third time as amended

Then the said Bill was read a third time and

On the Question being put

Resolved, that the said Bill as amended do pass

Ordered, that the Bill Entituled. An Act for mending and keeping in Repair the Publick Wells and Pumps in the City of New York be now read a third time as amended

Then the s^d Bill was read a third time &

On the Question being put

Resolved, that the said Bill as amended do pass

Ordered, that the Hōnble Da^ll Horsmanden Esqr do carry the said Bills to the Generall Assembly together with the amendments made by the Councill thereunto and acquaint them that the Councill have passed the said Bills with the said amendments to which they desire their concurrence

Then the Councill adjourned till to morrow morning 11 of the clock

Tuesday, Novr 10th, 1741.

The Councill met according to adjournm^t

PRESENT — *The Honble* ARCH^d KENNEDY, Esq, Speaker.

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DA^ll HORSMANDEN, Esq^rs.

The Speaker assumed the Chair

A Message from the Assembly by Col Philipse and Mr Purdy with the Bill Entituled, An Act for Returning Neat Cattle and Sheep to their owners & the amendm^ts made thereto and to

acquaint the Councill that the Assembly had agreed to the amendmants by them made and to desire they would amend the Bill accordingly

Then the said Bill was accordingly amended

A Message from the Assembly by Mr Ludlow and Mr Purdy with the Bill Entituled, An Act for mending and keeping in Repair the Publick Wells and Pumps in the City of New York & the amendmts thereto and to acquaint the Councill that ye Assembly had agreed to the amendments by them made and to desire they would amend the Bill accordingly

Then the said Bill was amended accordingly

The Councill adjd till to morrow morning 11 of the clock

Wednesday, Novr 11th, 1741.

The Councill met according to adjournmt

PRESENT — *The Honble* ARCHd KENNEDY, Esqr, Speaker

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DAll HORSMANDEN, Esqrs.

The Speaker assumed the Chair

Then the Councill resolved themselves into a Comee on the Bill Entitled, An Act to Encourage the destroying of Wild Catts in the County of Suffolk and on the Bill Entitled, An Act to alter the High Way or Publick Road from the West to the East part of David Corey's Land

The Comittee having duely weighed & considered of the said Bills and being ready to make their Report thereon when the Councill would please to receive the same

The Speaker resumed the Chair

Then the Hōnble Danll Horsmanden Esqr Chairman of the Cōmee to whom the said Bills were referred in his Place reported that they had gone through the same and had directed him to report them witht amendment

Which Report on the Question being put was agreed to and approved of

Ordered, that the said Bills be read a third time

Then the said Bills were read a third time and

On the Question being severally put

Resolved, that the said Bills do pass

Ordered, that the Hōnble Philp Cortlandt Esq do acquaint the Generall Assembly that the Councill have passed the said Bills witht amendment as also the Bill Entituled, An Act to prevent the Killing of Deer out of season without amendmt

A Message from the Assembly by Colo Moore & Mr Nicoll with a Bill Entitled, An Act for the Returning of able and suffl Jurors and for the better Regulation of Juries desiring the concurrence of the Councill thereunto

Ordered, that the said Bill be now read

Then the said Bill was read the first time and

Ordered to be read a second time

Then the Councill adjourned till to morrow morning 11 of the clock

Thursday, Novr 12th, 1741.

The Councill met according to adjournment

PRESENT — *The Honble* ARCHd KENNEDY, Esq., Speaker,

PHILIP CORTLANDT,
HENRY LANE,
DAll HORSMANDEN, Esqrs.

The Speaker assumed the Chair

Ordered, that the Bill Entitled, An Act for the returning of able and sufficient Jurors and for the better regulation of Juries be now read a second time

Then the said Bill was read a second time and

Ordered to be comitted to the Gentlemen of the Councill or any five of them

The Councill adjd till to morrow morning 11 of the clock

Fryday, Novr 13th, 1741

The Councill met according to adjournm^t

PRESENT — *The Honble* ARCH^d KENNEDY, Esqr, Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DA^ll HORSMANDEN, Esq^rs.

The Speaker assumed the Chair
Then the Councill adj^d till three of the clock in the afternoon

Fryday, Novr 13th, 1741. Post Merid

The Councill met according to adjournm^t

PRESENT as before

The Speaker assumed the Chair
Then the Councill resolved themselves into a Comittee on the Bill Entitled, An Act for dividing the Southern part of the County of Ulster into Precincts and to Enable the Corporation of Kingston and the Manor of Fox Hall to chuse and Elect one Supervisor
The Comittee having duely weighed and considered of the said Bill and being ready to make their Report thereon when the Councill would be pleased to receive the same
The Speaker resumed the Chair
Ordered, that the said Report be now made
Then the Hōnble Dan^ll Horsmanden Esqr Chairman of the Comittee to whom the said Bill was referred Reported that they had gone through the same and had directed him to report it with Severall Amendments and with an Amendm^t to the Title thereof
Then the Said Amendments were read and
The Report on the Question being put was agreed to and approved of
Ordered, that the said Bill be read a third time as amended
Then the Said Bill was read a third time &
On the Question being put
Resolved, that the Said Bill as amended do pass
Ordered, that the Hōnble Daniell Horsmanden Esqr do carry the said Bill together with the Amendments, to the Generall Assembly and acquaint them that the Councill have passed the said Bill with the said Amendments to which they desire their Concurrence
Then the Councill adjourned to Monday next 4 of the clock in the afternoon

Monday, Novr 16th, 1741. 4 P^t Merid

The Councill met according to adjournm^t

PRESENT — *The Honble* ARCH^d KENNEDY, Esqr, Speaker,

JAMES DE LANCEY,
PHILP CORTLANDT,
HENRY LANE,
DA^ll HORSMANDEN, Esq^rs.

The Speaker assumed the Chair
Then the Councill resolved themselves into a Comēe on the Bill Entitled, An Act for the Returning of able and Sufficient Jurors and for the better Regulation of Juries
The Comittee having duely weighed and considered of the said Bill and being ready to make their Report thereon when the Councill would be pleased to receive the same
Ordered, that the said Report be now made
Then the Hōnble Da^ll Horsmanden Esqr Chairman of the Comittee to whom the said Bill was referred in his place reported that the Comēe had gone through the Bill and had directed him to report the same without Amendment
Which Report on the Question being put was agreed to and approved of
Ordered, that the said Bill be read a third time

Then the said Bill was read a third time and
On the Question being put
Resolved, that the said Bill do pass
Ordered, that the Hönble Daniell Horsmanden Esqr do acquaint the Assembly that the Councill have passed the said Bill without any amendment
Then the Councill adjourned till to morrow morning 11 of the clock

Tuesday, Novr 17th, 1741.

The Councill met according to adjournment

PRESENT — *The Honble* ARCH^d KENNEDY, Esq, Speaker,
PHILIP CORTLANDT,
HENRY LANE,
DAN^l HORSMANDEN, Esq^rs.

The Speaker assumed the Chair
A Message from the Assembly by Alderman Moore and Alderman Roome with the Bill Entitled, An Act to oblige all Persons that shall come to Inhabit or Reside in the City of New York in order to Expose any Goods, Wares or Mercha^s to Sale at any time after the annual assessment made for the Tax for the maintenance of the Minister and Poor of the said City to Pay their due Proportion towards the same desiring the concurrence of the Councill thereto
Ordered, that the said Bill be now read
Then the said Bill was read the first time and
Ordered, that ye s^d Bill be read a second Time
A Message from the Assembly by Col^o Moore and Mr Clarkson with the Bill Entituled, An Act to continue An Act Intituled, An Act to regulate the Militia of this Colony with a further addition thereto and the amendment made by the Councill thereto and to acquaint the Councill that the Assembly had agreed to the amendments by them made and to desire they would amend the Bill accordingly
Then the said Bill was accordingly amended
Then the Councill adjourned till to morrow four of the clock in ye afternoon

Wednesday, Novr 18th, 1741. P^t Merid.

The Councill met according to adjournment

PRESENT — *The Honble* PHILIP COURTLANDT, Esq, Speaker,
HENRY LANE, Esqr,
DA^ll HORSMANDEN, Esqr.

Ordered, that the Bill Entituled An Act to oblige all persons that shall come to Inhabit or Reside in ye city of New York in order to Expose any Goods, Wares or Merchandize to sale at any time after the Annual assessment made for the maintenance of the Minister and Poor of the said city to pay their due proportion towards the same be now read a second time
Then the said Bill was read a second time and
Ordered, to be comitted to the Gentlemen of the Councill or any three of them
A Message from the Assembly by Alderman Roome and Col^o Beekman with the Bill Entitled, An Act in addition to An Act Entitled, An Act to prevent Vagrant and Idle Persons from being a charge and Expence to any the Counties, Cityes, Towns, Manors & Precincts within this Province desiring the concurrence of the Councill thereto
Ordered, that the said Bill be now read
Then the said Bill was read the first time and
Ordered to be read a second time
A Message from the Assembly by Col^o Moore and Mr Clarkson with a Minute of the Assembly of yesterday which is in the following words

Die Martis 17th *Nov^r* 1741

" The House being unanimously of opinion that there cannot be a more proper time than the " present, humbly to address his Majesty that a sum may be graciously granted sufficient for " Erecting a House & other buildings suitable for His Governors here, instead of those that have " been destroyed in the Fort by the late wicked conspiracy as the Hönble Gentleman who is

" appointed Governour in Chief of this Colony, is like to be in England whilst the Parliament
" is sitting, who doubtless will have the goodness to be zealous in Solliciting that the good
" Effect of such an Address may be obtained It is therefore
" *Ordered*, that Col° Moore and Mr Clarkson do acquaint the Gentlemen of the Councill with
" this Minute of the House, and to desire that if they are of the same opinion they will request
" his Honour the Lieut. Governour to Join therein and then be pleased to present such an Address
" as aforesaid and to assure them that the members of this House will chearfully Join therein
" conformable to what they signifyed in their address to the said Lieut^t Governour on the 30th
" September last
The Council adj^d 'till to morrow morning 11 of the clock

Thursday, Novr 19th, 1741.

The Councill met according to adjournm^t

PRESENT — *The Honble* ARCH^d KENNEDY, Esq, Speaker,
PHILIP CORTLANDT,
HENRY LANE,
DA^ll HORSMANDEN, Esq^rs.

The Speaker assumed the Chair
Ordered, That the Bill Entitled, An Act in addition to An Act Entituled, An Act to prevent Vagrant and Idle Persons from being a charge & Expence to any the Counties, Cityes, Towns, Manors & Precincts within this Province be now read a second time
Then the said Bill was read a second time & comitted to the Gentlemen of the Councill or any five of them
Then the Councill adj^d 'till four of the clock in the afternoon

Thursday, Novr 19th, 1741. Post Merid.

PRESENT as before

A Message from the Assembly by Col° Moore and Mr Cornell with the Bill Entitled, An Act to Restrain disorderly & unlawfull Gaming Houses in the Colony of New York desiring the concurrence of the Council thereto
Ordered, that the said Bill be now read
Then the said Bill was read the first Time &
Ordered to be read a second time
Then ye Councill adj^d till to morrow morning 11

Fryday, Novr 20th, 1741.

The Councill met according to adjournm^t

PRESENT — *The Honble* ARCH^d KENEDY, Esq, Speaker,
PHILIP CORTLANDT,
HENRY LANE,
DAN^l HORSMANDEN, Esq^rs.

The Speaker assumed the Chair
A Message from the Assembly by Mr Pierson & Mr Stilwell with the Bill Entitled, An Act to Revise Digest and Print the Laws of this Colony from the happy Revolution desireing the concurrence of the Councill thereto
Ordered, that the said Bill be now read
Then the said Bill was read the first time &
Ordered to be read a second time
Then the Councill adj^d till 4 of the clock in the afternoon

Fryday, Novr 20th, 1741. Post Merid.

The Councill met according to adjournm^t

PRESENT as before

The Speaker assumed the Chair

A Message from the Assembly by Col^o Moore and Mr Clarkson with the Bill Entituled, An Act to apply the monies granted for the support of this Government For payment of ye salaries, services & contingencies therein mentioned untill the first of September one thousand seven hundred and forty two and for Transporting Recruits to the West Indies desiring the concurrence of the Councill thereto

Ordered, that the Said Bill be now read

Then the Said Bill was read a first time and

Ordered to be read a Second time

Ordered, that the Bill Entitled, An Act to Revise Digest and Print the Laws of this Colon from the happy Revolution be now read a second time

Then the said Bill was read a second time and

Ordered to be comitted to the Gentlemen of the Councill or any five of them

Then the Councill adjourned till Monday morning 10 of the clock

Monday, Novr 23^d^, 1741.

The Councill met according to adjournm^t

PRESENT — *The Honble* ARCH^d KENNEDY, Esq, Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DA^ll HORSMANDEN, Esq^rs.

The Speaker assumed the Chair

Ordered, that the Bill Entituled, An Act to apply the monies granted for Support of this Government For payment of the Salaries Services and Contingencies therein mentioned untill the first of September One thousand Seven hundred and forty two and for Transporting Recruits to the West Indies be now read a Second time

Then the said Bill was read a second time &

Ordered to be Comitted to the Gentlemen of the Councill or any five of them

Then the Councill resolved themselves into a Comittee on the said Bill and also on the following Bills vizt A Bill Entitled, An Act to Restrain Disorderly and Unlawfull Gameing Houses in the Colony of New York and a Bill Entitled, An Act to oblige all Persons that shall come to Inhabit or Reside in the City of New York in order to expose any Goods, Wares or Merchandizes to Sale at any time after the annual assessment made for the Tax for the maintenance of the Minister & Poor of the Said City to pay their due proportion towards the same

The Comittee having duely weighed & considered of the Said Bills and being ready to make their Report thereon when the Councill would be pleased to receive the same

The Speaker resumed the Chair

Ordered, that the Said Report be now made

Then the Hōnble Dan^ll Horsmanden Esq Chairman of the Comittee to whom the Said Bills were referred in his place reported that the Comittee had gone through the Said Bills and had directed him to report them with^t Any Amendment

Which Report on the Question being severally put was agreed to and approved of

Ordered, that the Said Bills be read a third time

The Councill resolved themselves into a Comittee on the Bill entitled An Act in addition to An Act Entitled, An Act to prevent vagrant & idle persons from being a charge and expence to any of the Counties, Cities, Towns, Manors and precincts within this province

The Comittee having duely weighed & Considered of the Said Bill and being ready to make their Report thereon when the Councill would be pleased to receive the same

The Speaker resumed the Chair

Ordered, that the said Report be now made

Then the Hōnble Da^ll Horsmanden Esq Chairman of the Comittee to whom the Said Bill was referred in his place reported that the Comittee had gone through the same and had directed him to report it with an Amendment

Then the said Amendment was read and
On the Question being put
Was agreed to and approved of and
Ordered, that the said Bill be read a third time
The Hōnble Archibald Kennedy Esqr left the Councill
The Hōnble Philip Cortlandt Esqr assumed ye Chair
The Councill took into consideration the Message from the Generall Assembly Dated the 17th Inst^t and
Ordered thereupon, that the Hōnble Philip Cortlandt and Danl Horsmanden Esq^rs be a Comittee to join a Comittee of the General Assembly in order to wait upon his Honour the Lieu^t Governour and request him to join in an humble address to his Majesty pursuant to ye said Message for the purposes therein mentioned
Ordered, that the Hōnble Da^ll Horsmanden Esq do acquaint the Generall Assembly wth the s^d order and request them to appoint a Comittee to meet the s^d Comittee at the Councill Chamber on Wednesday morning next at ten of the clock for the purpose af^d
Then the Councill adj^d till 4 of the clock of the afternoon

Monday, Novr 23^d, 1741. Post Merid.

The Councill met according to adjournment

PRESENT — *The Honble* ARCH^d KENNEDY, Esq, Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DA^ll HORSMANDEN, Esq^rs.

The Speaker assumed the Chair
The Bill Entitled, An Act to Restrain disorderly and unlawfull Gameing Houses in ye Colony of New York was read a third time and
On the Question being put
Resolved, that the said Bill do pass
The Bill Entitled, An Act to oblige all Persons that shall come to Inhabit or reside in the City of New York in order to Expose any Goods Wares or Merchandizes to sale at any time after the Annual Assesment made for the Tax for the maintenance of the Minister & Poor of the said City to pay their due Proportion towards the same was read a third time and
On the Question being put
Resolved, that the said Bill do pass
The Bill Entitled, An Act to apply the monies granted for Support of this Governm^t For payment of the Salaries Services and contingencies therein mentioned untill the first of September one thousand seven hundred and forty two and for transporting Recruits to the West Indies was read the third time and
On the Question being put
Resolved, that the said Bill do pass
Ordered, that the Hōnble Philip Courtlandt Esq do acquaint ye Assembly that the Councill have passed the said Bills with^t any amendment
The Bill Entitled, An Act in Addition to An Act Entituled, An Act to prevent Vagrant and Idle Persons from being a charge and Expence to any the Counties, Cityes Towns, Manors and Precincts within this Province was read a third time as amended
The Question was put
Whether the said Bill do pass? and
It was carried in the negative
Then the Councill adjourned till to morrow four of the clock in the afternoon

Tuesday, Novr 24th, 1741. Post Merid.

The Councill met according to adjournment

PRESENT — *The Honble* PHILIP CORTLANDT, Esq, Speaker,

HENRY LANE,
DA^ll HORSMANDEN, Esq^rs.

The Speaker assumed the Chair
Then the Councill adjourned till to morrow morning eleven of ye clock

*Wednesday, Nov*r 25th, 1741.

The Councill met according to adjournmt

PRESENT — *The Honble* ARCHd KENNEDY, Esq, Speaker,

PHILIP CORTLANDT, Esqr,
HENRY LANE, Esqr,
DANll HORSMANDEN, Esqr.

The Speaker assumed the Chair
The Councill resolved themselves into a Cōmee on the Bill Entitled, An Act to Revise Digest and Print the Laws of this Colony from the happy Revolution
The Cōmee having duely weighed & considered of the said Bill and being ready to make their Report thereon when the Councill would be pleased to receive the same
Ordered, that the said Report be now made
Then the Hōnble Danl Horsmanden Chairman of the Comittee to whom the said Bill was referred in his place reported that the Comittee had gone through the same and had directed him to report it without any amendments
Which Report on the Question being put was agreed to and approved of
Ordered, that the said Bill be read a 3d time
Then the said Bill was read the third time and
On the Question being put
Resolved, that the said Bill do pass
Ordered, that the Hōnble Philip Cortlandt Esqr do acquaint the Generall Assembly that the Councill have past the said Bill without any amendment
Then the Councill adjourned till to morrow morning 10 of ye clock

*Thursday, Nov*r 26th, 1741.

The Councill met according to adjournmt

PRESENT — *The Honble* ARCHd KENNEDY, Esq., Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DAll HORSMANDEN, Esqrs.

The Speaker assumed the Chair
The Hōnble Daniel Horsmanden Esqr in his place reported that in pursuance of the order of the Councill of Monday last Mr Courtlandt and himself with the Comittee appointed by the Assembly had waited on his Honour the Lieutt Governour to desire him to Join with the Councill and Generall Assembly in an humble Address to his Majesty for the purpose mentioned in the Message from the Assembly dated the 17th Instant and that his Honour had been pleased to decline Joining therein
Then the Councill adjourned till 3 of the clock in the afternoon

*Thursday, Nov*r 26th, 1741. Post Merid.

The Councill met according to adjournment

PRESENT as before

The Speaker assumed the Chair
A Message from the Assembly by Mr Nicoll with a copy of a Minute of the Generall Assembly which is in the words following

Die Jovis 3 h. P. M. 26th *November* 1741

Collo Philipse from the Comittee appointed to Join a Committee of the Council reported that both Comittees had waited on the Lieutt Governour and desired him to Join with the Councill and Assembly in an humble address Intended to be made to his Mājty for the Purpose mentioned the 17th Instant and that his Honour had been pleased to decline Joining therein

And the House conceiving from his Majestye's usual Goodness that he will graciously grant a sum of money for erecting Buildings suitable for his Governours here Especially as the former have been destroyed by the late wicked conspiracy

Ordered, that Mr Nicoll do carry a copy of this minute to the Gentlemen of the Council and to desire that they will appoint a Comittee of their Board and a time and place to meet a Comittee of this House in order to prepare An Address proper for the purpose therein mentioned

Ordered, thereupon that the Hōnble Philip Courtlandt and Daniel Horsmanden Esqrs be a Comittee to meet the Comittee of the Generall Assembly and that they meet immediately in the Library for the purpose afd and

Ordered, that the Hōnble Henry Lane Esqr do acquaint the Assembly therewith

Mr Courtlandt & Mr Horsmanden withdrew and being returned

The Hōnble Dall Horsmanden Esqr Report that Mr Cortlandt and himself had met the Comittee of the Generall Assembly and prepared the Draught of an Address to his Majesty which he presented to the Councill

Which being read was

On the Question being put approved of

A Message from the Assembly by Mr Clarkson acquainting the Councill that the House do agree to the said address and that if it be signed and sent by them the House will order it to be signed likewise

Then the said Address was signed by four of the Gentlemen of the Councill to wit the Hōnble James De Lancey, Philip Cortlandt. Henry Lane and Dall Horsmanden Esqrs The Hōnble Archd Kennedy Esqr not agreeing to the said Address and refusing to sign the same

Ordered, that the Hōnble Dall Horsmanden Esqr do carry the said address as signed

Ordered, that the said Address be Entred in the Minutes and is in the words following

To the King's most Excellent Majesty

The Humble Address of the Councill and the Generall Assembly of the Colony of New York

May it please yr mt Excellent Majesty

We your Majesties most Dutifull and faithfull subjects, The Councill and the General Assembly of your Majesty's Loyall Colony of New York beg leave humbly to represent unto your sacred Majesty

That there have been erected here from time to time, as the circumstances of the Colony did Enable them, in the Fort, which has the Honor to bear your Majesties name. a House, Chappel, Secretaryes Office, as likewise Barracks for the Troops, in so stately a manner, that it was allowed none of your Majesties Governors in America Enjoyed so noble a Residence

That in consequence of a late most wicked conspiracy formed by some white People and a great number of Slaves for setting fire to the houses and murthering the Inhabitants of this City, their first attempt was to destroy the said Buildings, in which they unhappily succeeded by the means of a very strong wind, so that all of them were reduced to ashes in a very few hours, notwithstanding the ffire Engines and the utmost diligence of the Inhabitants to Extinguish the Flames

That since the melancholy Incident the Colony hath erected good new Barracks for your Majesties Troops, and a Secretaryes office to preserve the Publick Records, as these were conceived most Imediately necessary 'tho even this could not have been effected but by anticipating and prolonging one of its Funds

And that the Circumstances of this Colony as well by Debts formerly contracted, as by Erecting many Forts and Fortifications for its Defence against attempts by Sea and Land, and ye constant and Honourable support of Government Render it unable to bear the Expence of erecting Edifices suitable for the Residence of your Majesties Governour, over a Colony imediately depending on your Majesty, seated in the center and the most exposed of any of the British Dominions on this Continent

We therefore most humble implore your sacred Majesty as well in behalf of this Colony as for the Honour & suitable accommodation of your Majty's Governours that your Majesty will be graciously pleased to grant for the rebuilding of the Edifices aforesaid, such a sum as your Majesty in your great Wisdom & Goodness shall Judge requisite for that purpose We are

May it please yr most Excellent Majesty

Your Majestyes must Dutifull and Loyall Subjects

James De Lancey
Philip Cortlandt
Henry Lane
Dall Horsmanden

Then the Councill adjourned till to morrow morning 11 of the clock

Fryday, Novr 27th, 1741.

The Councill met according to adjournment

PRESENT— *The Honble* ARCH^{d} KENNEDY, Esq, Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DA^{ll} HORSMANDEN, Esq^{rs}.

The Speaker assumed the Chair

His Honour the Lieut^{t} Governour attended as usual being come to the Councill Chamber sent a Message by the Deputy Clerk of the Councill to the Generall Assembly requiring their Imediate attendance at the Councill Chamber

The Generall Assembly attending accordingly with their Speaker

His Honour in the presence of the Councill and Generall Assembly gave his Assent to the following Bills vizt

1 An Act to apply the Monies Granted for Support of this Government for payment of the Salaries Services and contingencies therein mentioned untill the first of September 1742 and for transporting Recruits to the West Indies

2 An Act to continue An Act Entitled, An Act to regulate the Militia of this Colony with a further addition thereto

3 An Act to oblige all Persons that shall come to Inhabit or reside in the City of New York in order to expose any Goods Wares or Merchandizes to sale at any time after the annual assessm^{t} made for the Tax for the maintenance of the Minister and Poor of the said City to pay their due proportion towards the same

4 An Act for mending and keeping in Repair the Publick Wells and Pumps in the City of New York

5 An Act for the Returning of able and sufficient Jurors and for the better regulation of Juries

6 An Act to Revise, Digest and Print the Laws of this Colony from the Happy Revolution

7 An Act to Restrain disorderly and unlawfull Gameing Houses in the Colony of New York

8 An Act to prevent the killing of Deer out of season

9 An Act to encourage the destroying of Wild Cats in the County of Suffolk

10 An Act to alter the High Way or Publick Road from the West to the East part of David Coreys Land Running along the cliff or Bank thereof

11 An Act for returning Neat Cattle and Sheep to their owners

Then His Honour addressing himself to the Generall Assembly was pleased to say that after the Acts aff^{d} were published the House might repair to the Assembly Chamber & adjourn itself to the third Tuesday in March next

After which the Said Acts were published at the City Hall wth ye usual Solemnity and his Hon^{r} returned back to his House

Then the Councill returned to the Councill Chamber

PRESENT as before

The Speaker assumed the Chair

His Honour the Govr having directed the Generall Assembly to adjourn themselves to the third Tuesday in March next

The Councill therefore adjourned to the said third Tuesday in March then to proceed to Business without further notice

Tuesday, March 16th, 1741.

The Councill having adjourned to this Day met according to the said adjournment

PRESENT— *The Honble* ARCHIBALD KENNEDY, Esqr,

PHILIP CORTLANDT,
DANIEL HORSMANDEN, Esq^{rs}.

The Speaker assumed the Chair

His Honour the Governour having directed the Generall Assembly to adjourn themselves to third Tuesday in Aprill next

The Councill therefore adjourned to the said third Tuesday in Aprill then to proceed to Business with^{t} further Notice

TWENTY-SECOND ASSEMBLY EIGHTH SESSION.

At a Session *of the* Councill *and* Generall Assembly *began at the City Hall in the City of* New York, *on* Tuesday *the* 20th *day of* Aprill, 1742.

The Generall Assembly having stood adjourned to this day
The Councill met at the Councill Chamber

PRESENT — *The Honble* ARCHIBALD KENNEDY, Esq, Speaker,

JAMES DE LANCEY,
HENRY LANE,
DAll HORSMANDEN, Esqrs.

The Speaker assumed the Chair
The Councill being informed that there was not a Sufficient number of the members of the Generall Assembly in Town to make a House
Adjourned till Thursday morning 10 of the clock

Thursday, Aprill 24th, 1742.

The Councill met according to adjournment

PRESENT — *The Honble* ARCHIBALD KENNEDY, Esq, Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DAll HORSMANDEN, Esqrs.

The Speaker assumed the Chair
His Honor the Lieutenant Governour being come to the Councill Chamber attended as usual sent a message by the Deputy Clerk of the Councill to the Generall Assembly requiring their Imediate Attendance at the Councill Chamber
The Generall Assembly Attending Accordingly with their Speaker
His Honour made a Speech to the Councill and Generall Assembly and delivered a copy thereof to the Speaker of the Councill and another to the Speaker of the Generall Assembly
After which His Honour left the Councill Chamber
Then the Speaker resumed the Chair
Ordered, That His Honours Speech be read
Which being read accordingly It was further
Ordered, that the Same be Entred in the Minutes and is in the words following vizt

Gentlemen,

The present Face of Affairs in Europe requires your sitting at this time, that you may make Speedy and Ample provision for puting the Fort in this Town in a Posture of Defence; and it greatly wants a thorough repair, some part of the wall being already fallen down and other parts in a tottering Condition, the sodwork mouldered away and the Bastions and Curtains without Platforms, and unless these things be done the Ordnance will be useless, and his Majesties gracious purpose in sending them for your Security will be defeated

Some charge has already accrued and more must unavoidably follow, in carrying the Ordnance and other stores to the Respective Forts and Batteries for which they are intended, and it will be the greater, as most of those Forts are remote from hence, particularly those at Oswego, in the Mohawks Country, and at Schenectady, and I recommend it to you to make suitable Provision for it, as well as for the victualling of a double Garrison at Oswego which will be highly necessary to preserve that important Place from falling into the Enemies hands in case of a Rupture

It is high time to set about building the House, Chappell and other Edifices that were consumed in the Fort as well as the Stables and Coach House without it that when the Governour comes he may not be unprovided of an Habitation and other conveniences suitable to his station, which is the more necessary to be speedily done, as he is soon expected, and no House that I know of to be hired that is fitt for his Residence

General Wentworth having sent Captain Cosby of Coll° Gooch's Regiment to raise recruits in this Province for his Majesty's Service, I earnestly recommend it to you to provide for the Victualling and Transporting so many as he may raise, and to do it with all Expedition, which will not only forward the service but likewise prevent desertions and ease the Recruiting Officer of the great Expence of maintaining them, which may be too heavy for him to bear if they be not shipped off in a short time after they are Inlisted. Your Zeal and Dispatch herein will not fail of Recommending you to his Majesty

I have on the Request of the Onondages, Cayouges and Tuskaroras three of the Six Indian Nations sent a Smith to reside for a year at Cayouge, for the Payment of whom and of the Persons residing in the Senecas Country I hope you will provide, as it will much conduce to the keeping of the Indians steady in the British Interest.

When the Act for Regulating the Militia comes under your consideration it will be necessary by it, to oblige all men to an equal share of Duty in Day as well as Night Guards, that the Service be not too much imposed on them who have the least to defend, and little or nothing to Support their Families, but what they earn by their daily Labour

GEO. CLARKE

New York Aprill the 22^{d} 1742

Ordered, that his Honour's Speech be forthwith printed

Then the Councill adjourned till Wednesday morning next eleven of the clock

Wednesday, Aprill 28th, 1742.

The Councill met according to adjournment

PRESENT — *The Honble* ARCHIBALD KENNEDY, Esq, Speaker,

JAMES DE LANCEY,
HENRY LANE,
DAN^{ll} HORSMANDEN, Esq^{rs}.

The Speaker assumed the Chair

Then the Councill adjourned till Thursday the 6th day of May next

Thursday, May 6th, 1742.

The Councill mett according to adjournment

PRESENT — *The Honble* JAMES DE LANCEY, Esq, Speaker

HENRY LANE,
DA^{ll} HORSMANDEN, Esq^{rs}.

The Speaker assumed the Chair

Then the Councill adjourned till Thursday morning the 13th Instant 10 of the clock

Thursday, May 13th, 1742.

The Councill mett according to adjournment

PRESENT — *The Honble* JAMES DE LANCEY, Esq, Speaker,

PHILIP CORTLANDT,
HENRY LANE,
DAll HORSMANDEN, Esqrs.

The Speaker assumed the Chair
A Message from the Generall Assembly by Colle Philipse & Cole Schuyler with a Bill Entitled, An Act to apply the sum of Six Hundred and Seventeen pounds thirteen shillings and four pence half penny for repairing Fort George for Transporting Voluntiers to the West Indies and for other the purposes therein mentioned Desiring the concurrence of the Councill thereunto
Then the said Bill was read the first time &
Ordered to be read a second Time
Then the Councill adjourned till Tuesday morning next 11 of the clock

Tuesday, May 18th 1742.

The Councill met according to adjournmt

PRESENT — *The Honble* ARCHIBALD KENNEDY, Esq, Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DAll HORSMANDEN, Esqrs.

The Speaker assumed the Chair
Ordered, that the Bill Entitled, An Act to apply the sum of six Hundred and seventeen pounds thirteen shillings and four pence half penny for repairing Fort George For Transporting Voluntiers to the West Indies and for other the purposes therein mentioned be now read a second Time
Then the said Bill was read a second time and
Ordered to be comitted to the Gentlemen of the Councill or any five of them
Then the Councill adjourned till Thursday morning next 10 of the clock

Thursday May 20th, 1742.

The Councill met according to adjournment

PRESENT — *The Honble* JAMES DE LANCEY Esq, Speaker,

PHILIP CORTLANDT,
HENRY LANE,
DAll HORSMANDEN, Esqrs.

The Speaker assumed the Chair
A Message from the Assembly by Mr Nicoll & Mr Clarkson with the Bill Entitled, An Act for Regulating the Payment of his Majesties Quit Rents and for partition of Lands in order thereto Desiring the concurrence the Councill thereunto
Then the said Bill was read the first time &
Ordered to be read a second time
The Councill adjourned till to morrow morning 10 of ye clock

Fryday, May 21st, 1742.

The Councill met according to adjournment

PRESENT — *The Honble* ARCHIBALD KENNEDY, Esqr, Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DAll HORSMANDEN, Esqrs.

The Speaker assumed the Chair

Then the Bill Entitled, An Act for the Regulating the payment of his Majesties Quit Rents and for Partition of Lands in order thereto was read a second time and

Ordered to be committed to the Gentlemen of the Councill or any five of them

Then the Gentlemen of the Councill resolved themselves into a Comittee to consider of the said Bill and also the Bill Entitled, An Act to apply the sum of six Hundred and seventeen pounds thirteen shillings and four pence half penny For Repairing Fort George for transporting Voluntiers to the West Indies and for other the purposes therein mentioned

The Comittee having duely weighed and considered of the said Bills and being ready to make their Report thereon when the Councill would please to receive the same

The Speaker resumed the Chair

Ordered, that the said Report be now made

Then the Hõnble Dall Horsmanden Esqr Chairman of the Comittee to whom ye sd Bills were referred in his place reported that they had gone through the said Bills and had directed him to report the Bill Entitled, An Act for the regulating the payment of his Majesties Quit Rents and for partition of Lands in order thereto with an amendment thereto

Then the said amendment was read and

On the Question being put was agreed to and approved of

Ordered, that the said Bill be read a third time as amended

And the said Chairman further reported that the said Comittee had directed him to report the Bill Entitled, An Act to apply the sum of six Hundred and seventeen pounds thirteen shillings and four pence half penny for repairing Fort George for transporting Voluntiers to the West Indies and for other the purposes therein mentioned without any amendment

Which Report on the Question being put was agreed to and approved of

Ordered, that the said Bill be now read a third time

Then the said Bill was Read a third time and

On the Question being put

Resolved, that the said Bill do pass

Ordered, that ye Hõnble Hey Lane Esqr do acqt the Gll Assembly yt ye Councill have passed the said Bill without amendmt

Then the Councill adjourned till to morrow morning 9 of the clock

Saturday, May 22d, 1742.

The Councill met according to adjournment

PRESENT— *The Honble* ARCHIBALD KENNEDY, Esqr, Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DAll HORSMANDEN, Esqrs.

The Speaker assumed the Chair

Ordered, that the Bill Entitled, An Act for the regulating the payment of his Majesties Quit Rents and for partition of Lands in order thereto be now read a third time as amended

Then the said Bill with the said amendmt was read a third time and

On the Question being put

Resolved, that the said Bill as amended do pass

Ordered, that the Hõnble Henry Lane Esqr do carry the said Bill together with the said amendment made thereto to the Generall Assembly and acquaint them that the Councill have past the said Bill with the sd amendmt To which they desire their concurrence

A Message from the Generall Assembly by Colo Schuyler & Mr Nicoll with the Bill Entitled, An Act for regulating the payment of his Majestyes Quit Rents & for partition of Lands in order

thereto with the amendmt made by the Councill to the same & to acquaint them that the Assembly have agreed to the said amendmt & desire they would amend the said Bill accordingly

Then the said Bill was accordingly amended

His Honour the Lieut Govr attended as usual being come to the Councill Chamber sent a Message by the Deputy Clerck of the Councill to the Generall Assembly requiring their Imediate attendance at the Councill Chamber

The Generall Assembly attending accordingly with their Speaker

His Honour in the presence of the Councill & Generall Assembly gave his Assent to the two following Bills

1 An Act to apply the sum of six Hundred and seventeen pounds thirteen shill. and four pence half penny for repairing Fort George for transporting Voluntiers to the West Indies & for other the purposes teerein mentioned

2 An Act for regulating the payment of his Majesties Quit Rents and for partition of Lands in order thereto

Then his Honour addressing himself to the Generall Assembly was pleased to say that after ye atd Acts were published the House might repair to ye Assembly Chamber and adjourn itself to the first Tuesday in August next

After which the said Acts were published at the City Hall with the usuall ceremony & his Honour returned back to his House

The Councill returned to the Councill Chamber

PRESENT as before

The Speaker assumed the Chair

His Honour the Lieut Govr having directed the Assembly to adjourn to the first Tuesday in Augt next

The Councill therefore adjourned to the said first Tuesday in Augt then to meet & proceed to Business without further notice

Tuesday, Augt 3d, 1742.

The Councill met according to adjournmt of ye 22d May last

PRESENT — *The Honble* ARCHIBALD KENNEDY, Esqr, Speaker,

JAMES DE LANCEY, Esqr,
HENRY LANE,
DANll HORSMANDEN, Esqrs.

There not being a sufficient number of members of the Generall Assembly in Town to make a House & it not being probable that more would come to Town by reason of the present sickness And the Assembly having with his Honours concurrence adjourned to the third Tuesday in September next

The Councill therefore adjourned to the Said third Tuesday in Septr

Tuesday, Sepr 14th, 1742.

The Councill met according to adjournment

PRESENT — *The Honble* ARCHIBALD KENNEDY, Esq, Speaker,

JAMES DE LANCEY,
HENRY LANE,
DAll HORSMANDEN, Esqrs.

The Speaker assumed the Chair

A sufficient number of members not being in Town to make a House and the sickness in this Town continuing

The Councill adjourned till the 28th Instant

Tuesday, Sepr 28th, 1742.

The Councill met according to adjournm^{t}

PRESENT — *The Honble* ARCHIBALD KENNEDY, Esq, Speaker,

JAMES DE LANCEY,
HENRY LANE, Esq^{rs}.

The Speaker assumed the Chair
Then the Councill adjourned till to morrow afternoon 3 of ye clock

Wednesday, Sepr 29th, 1742.

The Councill met according to adjournm^{t}

PRESENT — *The Honble* ARCHIBALD KENNEDY, Esqr,

JAMES DE LANCEY,
HENRY LANE, Esq^{rs}.

The Speaker assumed the Chair
The Same Reasons still subsisting the Councill with the approbation of his Honour adj^{d} to the 2^{d} Tuesday in Octr next

TWENTY-SECOND ASSEMBLY NINTH SESSION

Tuesday, Octr 12th, 1742.

The Councill met according to adjournm^{t}

PRESENT — *The Honble* ARCHIBALD KENNEDY, Esq, Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DA^{ll} HORSMANDEN, Esq^{rs}.

The Speaker assumed the Chair
Then the Councill adj^{d} till to morrow morning 9 of ye clock

Wednesday, Octr 13th, 1742.

The Councill met according to adjournm^{t}

PRESENT — *The Honble* ARCHIBALD KENNEDY, Esq, Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DA^{ll} HORSMANDEN, Esq^{rs}.

The Speaker assumed the Chair
His Honour the Lieut Govr being come to the Councill Chamber attended as usual sent a Message by the Deputy Clerck of the Councill to the Generall Assembly requiring their Imediate attendance in the Councill Chamber

The Generall Assembly attending accordingly with their Speaker

His Honour made a Speech to the Councill & Generall Assembly and delivered a copy thereof to the Speaker of the Councill and another to the Speaker of the Generall Assembly

After which his Honour left the Councill Chamber

Then the Speaker resumed the Chair

Ordered, that his Honours Speech be read

Which being read accordingly

Ordered, that the same be Entred in the Minutes and is in words following

Gentlemen,

The Government being at present without any support I earnestly recommended to you to take it into your immediate consideration, and to make such ample and honourable Provision for it as former Assemblies have done

The Act to Support the Garrison at Oswego being by its Limitation to expire on the first of November, in this present year, it is requisite that you prepare another Bill to be passed before that time, and as a Rupture with France seems almost unavoidable it is absolutely necessary to provide for the victualling a Garrison of fforty men, lest for want thereof, that important place should fall into the Enemies hands, the consequence whereof will be the loss of your most valuable branch of trade, and but too probably occasion a Defection of the Six Nations; An event that demands your most serious attention, as every part of the Province, how remote soever some of the Counties may be, from those nations will soon feel the cruel effects of it. Whatever happens I shall have the satisfaction of having done my Duty in pressing you to do yours, and I hope you will leave nothing undone that may give the people whom you represent cause to reproach you. The sence that I have of the vast consequence that the fidelity of these nations is to the British Interest in General, and to this province in particular and of the constant Arts and Intrigues of our national Enemy to seduce them, makes me thus warm in my Expressions. Had you the like opportunities that I have of knowing those things, I am persuaded your zeal would keep pace with mine, and make what I say needless or but matters of form, but as many of you live very distant from those Nations, and can consequently know little of their Importance to us, but by Information, I cannot, with the discharge of my Duty, be silent or less earnest.

Captain Cosby has raised and sent to Jamaica twenty Recruits for his Majesties American Regiment, and I hope you will make Provision for paying the Expence of their Transportation, being persuaded that your Zeal for his Majesties service, which has carried you to a much greater Expence on the like occasion, will very readily lead you to this.

There are several things that I recommended to you at your last sitting, some of which being but in part, and others not at all provided for, I now again recommend them to your consideration referring you to what I then said

GEO. CLARKE.

New York *October* the 13th 1742.

Ordered, that His Honour's Speech be forthwith printed

Adjourned till Tuesday morning next 11 of the clock

Tuesday Octr 19th, 1742.

The Councill met according to adjournment

PRESENT— *The Honble* ARCHIBALD KENNEDY, Esq, Speaker,

JAMES DE LANCEY,
HENRY LANE,
DAll HORSMANDEN, Esqrs.

The Speaker assumed the Chair

A Message from the Assembly by Collo Schuyler & Captn Livingston with the Bill Entituled, An Act further to continue as well An Act to Regulate the Militia of this Colony as the other Acts therein mentioned by which the same hath been continued desiring the concurrence of the Councill thereto

Ordered, that the said Bill be now read the first time

Then the said Bill was read the first time &

Ordered to be read a second time

The Councill adjourned till to morrow morning 11

Wednesday, Octr 20th, 1742.

The Councill met according to adjournment

PRESENT — *The Honble* ARCHIBALD KENNEDY, Esq, Speaker,

JAMES DE LANCEY,
HENRY LANE,
DANIEL HORSMANDEN, Esqrs

The Speaker assumed the Chair
Adjd till to morrow morning 10 of the clock

Thursday, Octr 21st, 1742.

The Councill mett according to adjournment

PRESENT— *The Honble* ARCHIBALD KENNEDY, Esqr, Speaker,

JAMES DE LANCEY,
HENRY LANE,
DAll HORSMANDEN, Esqrs.

The Speaker assumed the Chair
A Message from the Assembly by Colle Schuyler & Mr Jones with the Bill Entituled, An Act for and towards supporting the Government of this Colony by Granting to his Majesty the Duties therein mentioned from the first day of December one thousand seven hundred and forty to the first day of December one thousand seven hundred and forty one desiring the concurrence of the Councill thereto
A Message from the Assembly by Colle Schuyler & Capt Bradt with the Bill Entitled, An Act for the more Effectuall Fortifying the City of Albany Desiring the concurrence of the Councill thereto
Ordered, that the said Bills be now read the first time
Then the said Bills were read the first time &
Ordered to be read a second time
Ordered, that the Bill Entitled, An Act Further to continue as well An Act to Regulate the Militia of this Colony as the other Acts therein mentioned by which the same hath been continued be now read a second time
Ordered, that the said Bill be comitted to the Gentlemen of the Councill or any five of them
Then the Councill adjourned till to morrow morning 10 of ye clock

Fryday Octr 22d, 1742.

The Councill mett according to adjournment

PRESENT — *The Honble* ARCHIBALD KENNEDY, Esq, Speaker,

JAMES DE LANCEY,
HENRY LANE, Esqrs.

The Speaker assumed the Chair
A Message from the Assembly by Colle Moore & Mr Clarkson with the Bill Entitled, An Act to let to Farm the Excise on Strong Liquors retailed in this Colony for one year which will end the first day of November 1743 desiring the concurrence of the Councill thereto
Ordered, that the said Bill be now read ye first time
Then the said Bill was read the first time &
Ordered to be read a second time
Then the Councill adjd till Tuesday morning next 10 of ye clock

Tuesday, Octr 26th, 1742.

The Councill met according to adjournment

PRESENT — *The Honble* ARCHIBALD KENNEDY, Esq., Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DANll HORSMANDEN, Esqrs.

The Speaker assumed the Chair

Ordered, that the Bill Entituled, An Act for the more Effectual Fortifying the City of Albany be now read a second time

Then the said Bill was read a second time &

Ordered to be comitted to ye Gentn of ye Councill or any 5 of them

Ordered, that the Bill Entitled, An Act to Let to farm the Excise on Strong Liquors retailed in this Colony for one year which will end the first day of November 1743 be now read a second Time

Then the said Bill was read a second Time & comitted to the Gentlemen of the Councill or any five of them

Ordered, that the Bill Entitled, An Act further to continue An Act for and towards the Supporting the Government of this Colony by Granting to his Majesty the Duties therein mentioned from the first Day of December 1740 to the first Day of December 1741 be now read the second time

Then the said Bill was read the second time and comitted to the Gentlemen of the Councill or any five of them

Then the Councill resolved into a Comittee to consider of the said Bills and also of the Bill Entitled, An Act further to continue as well An Act to regulate the Militia of this Colony as the other Acts therein mentioned by which the same hath been continued

The Comittee having duely weighed and considered of the said Bills and being ready to make their Report thereon when the Councill would please to receive the same

The Speaker resumed the Chair

Ordered, that the said Report be now made

Then the Honble Daniell Horsmanden Esqr Chairman of the Comittee to whom the said Bills were referred in his place reported that the Comittee had gone through the said Bills and had directed him to report them without amendment

Which Report on the Question being put was agreed to and approved of

Ordered, that the said Bills be read a third time

A Message from the Assembly by Mr Jones and Mr Cornell with the Bill Entitled, An Act to Revive An Act Intituled, An Act to prevent the Penning & Folding of Sheep and Neat Cattle feeding on Hempstead plains desiring the concurrence of the Councill thereto

Ordered, that the said Bill be now read

Then the said Bill was read the first time and

Ordered, to be read a second time

Adjourned till four of the clock in the afternoon

Tuesday, Octr 26th, 1742. P. M.

The Councill met according to adjournmt

PRESENT as before

The Speaker assumed the Chair

A Message from the Assembly by Mr Clarkson & Collo Moore with the Bill Entitled, An Act for paying out of the moneys appropriated for the Support of this Government the Salaries, services & Contingencies therein mentioned untill the first day of September one thousand seven hundred and forty three desiring the concurrence of the Councill thereto

Then the said Bill was read the first time &

Ordered to be read a second time

A Message from the Assembly by Captn Livingston and Captn Winne with the Bill Entitled, An Act for supporting the Garrison at Oswego and to regulate the Furr Trade in the County of Albany desiring the concurrence of the Councill thereto

Then the said Bill was read the first time &

Ordered to be read a second time

Adjd till to morrow morning 10 of ye clock

Wednesday, Octr 27th, 1742.

The Councill met according to adjournment

PRESENT — *The Honble* ARCHIBALD KENNEDY, Esqr, Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DAll HORSMANDEN, Esqrs.

The Speaker assumed the Chair

Ordered, that the Bill Entituled, An Act further to continue An Act Entituled, An Act for and towards supporting the Government of this Colony by Granting to his Majesty the Duties therein mentioned from the first day of Decr 1740 to the first day of Decr 1741 be now read ye third time

Then the said Bill was read the third time and

On the Question being put

Resolved, that the said Bill do pass

Ordered, that the Bill Entitled, An Act to Let to Farm the Excise on Strong Liquors retailed in this Colony for one year which will end the first day of Novr 1743 be now read the third time

Then the said Bill was read the third time &

On the Question being put

Resolved, that the said Bill do pass

Ordered, that the Hōnble Dall Horsmanden do acquaint the Generall Assembly that the Councill have passed the said Bills without any amendmt

Ordered, that the Bill Entitled, An Act further to continue as well An Act Entituled, An Act to regulate the Militia of this Colony as the other Acts therein mentioned by which the same has been continued be now read a third time

Then the said Bill was read ye third time and

On the Question being put

Resolved, that the said Bill do pass

Ordered, that the Bill Entitled, An Act for the more Effectuall Fortifying the City of Albany be now read the third time

Then the said Bill was read the third time and

On the Question being put

Resolved, that the said Bill do pass

Ordered, that the Hōnble Philip Cortlandt Esqr do acquaint the Generall Assembly that the Councill have passed the said Bill without amendment

Ordered, that the Bill Entitled, An Act for supporting the Garrison at Oswego and to regulate the Furr Trade in the County of Albany be now read a second time

Then the said Bill was read the second time and comitted to the Gentlemen of the Councill or any five of them

Ordered, that the Bill Entitled, An Act to revive An Act Entitled, An Act to prevent the Penning and Folding of Sheep and neat Cattle feeding on Hempstead Plains be now read a second time

Then the said Bill was read the second time & comitted to the Gentlemen of the Councill or any five of them

A Message from the Assembly by Alderman Moore & Alderman Roome with the Bill Entitled, An Act for Explaining and rendring more effectual An Act of the Generall Assembly Intituled, An Act to oblige the Inhabitants of each particular Ward within the City of New York to make good their respective Quotas of all publick Taxes desiring the concurrence of the Councill thereto

Then the said Bill was read the first time &

Ordered, to be read a second time

A Message from the Assembly by Captn Livingston and Captn Bradt with the Bill Entituled, An Act for the better clearing regulating and further laying out Publick High Roads in the City and County of Albany desiring the concurrence of the Councill thereto

Then the said Bill was read the first time &

Ordered to be read a second time

Ordered, that the Bill Entituled, An Act for paying out of the monies appropriated for the Support of this Government the Salaries, Services & contingencies therein mentioned untill the first day of Septr 1743 be now read the second time

Then the said Bill was read the second time & comitted to the Gentlemen of the Councill or any five of them

The Councill resolved themselves into a Comittee to consider of the said Bill

The Comittee having duely weighed and considered of the said Bill and being ready to make their Report thereon when the Councill would be pleased to receive the same

The Speaker resumed the Chair

Ordered, that the said Report be now made

Then the Hōnble Da^ll Horsmanden Esqr Chairman of the Comittee to whom the said Bill was referred in his place reported that the Comittee had gone through the said Bill and had directed him to report the same without amendment

Which Report on the Question being put was agreed to and approved of

Ordered, that the said Bill be read a third time

Then the Councill adjourned till four of the clock in the afternoon

Wednesday, Octr 27th, 1742. P^t Merid.

The Councill met according to adjournment

PRESENT as before

The Speaker assumed y Chair

The Gentlemen of the Councill resolved themselves into a Comēe to consider of the Bill Entitled, An Act for Supporting the Garrison of Oswego and to regulate the Furr Trade in the County of Albany and also of the Bill Entitled, An Act to revive An Act Entitled, An Act to prevent the Penning and Folding of Sheep and Neat Cattle feeding on Hempstead Plains

The Comittee having duely weighed and considered of the said Bills and being ready to make their Report thereon when the Councill would be pleased to receive the same

The Speaker resumed the Chair

Ordered, that the said Report be now made

Then the Hōnble Da^ll Horsmanden Esqr Chairman of the Comittee to whom the said Bills were referred in his place reported that the Comittee had gone through the s^d Bills and had directed him to report them with^t amendm^t

Which Report on the Question being put was agreed to and approved of

Ordered, that the said Bills be read the third time

A Message from the Assembly by Mr Terbos and Mr Hardenbergh with the Bill Entitled, An Act to Encourage the Destroying of Wolves and Panthers in the Counties of Ulster, Dutchess and Orange desiring ye concurrence of the Councill thereto

Then the said Bill was read ye first Time &

Ordered to be read a second time

Then the Councill adjourned till to morrow morning 10 of ye clock

Thursday Octr 28th, 1742.

The Councill met according to adjournment

PRESENT — *The Honble* ARCHIBALD KENNEDY, Esqr Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DA^ll HORSMANDEN, Esq^rs.

The Speaker assumed the Chair

Ordered, that the Bill Entitled, An Act for the better clearing regulating and further laying out publick High Roads in the City & County of Albany be now read ye second time

Then the said Bill was read the second time & Comitted to the Gentlemen of the Councill or any five of them

Ordered, that the Bill Entitled, An Act to encourage the Destroying of Wolves and Panthers in the Counties of Ulster Dutchess and Orange be now read a second time

Then the said Bill was read the second time & comitted to the Gentlemen of the Councill or any five of them

Ordered, that the Bill Entituled, An Act for Explaining and rendring more Effectual An Act of the General Assembly of this Colony Entituled, An Act to oblige the Inhabitants of each particular Ward within the City of New York to make good their respective Quota's of all publick Taxes be now read the second time

Then the said Bill was read ye second time & comitted to the Gentlemen of the Councill or any five of them

Ordered, that the Bill Entituled, An Act for paying out of the moneys appropriated for the support of this Government the salaries, services and contingencies therein mentioned untill the first day of Septr 1743 be now read a third time

Then the said Bill was read the third time and

On the Question being put

Resolved, that the said Bill do pass

Ordered, that the Bill Entitled, An Act to revive An Act Entituled, An Act to prevent the penning & Folding of Sheep and neat Cattle feeding on Hempstead plains be now read a third time

Then the said Bill was read the third time and

On the Question being put

Resolved, that the said Bill do pass

Ordered, that the Hōnble Philip Cortlandt Esqr do acquaint the Generall Assembly that the Councill have passed the said Bills without any amendment

Ordered, that the Bill Entituled, An Act for supporting the Garrison of Oswego and to regulate the Furr Trade in the County of Albany be now read a third time

Then the said Bill was read the third time and

On the Question being put

Resolved, that the said Bill do pass

Ordered, that the Honble Da^ll Horsmanden Esq do acquaint the Generall Assembly that the Councill have passed the said Bill without amendment

Then the Councill adjourned till four of the clock in the afternoon

Thursday, Octr 28th, 1742. P^t Merid.

The Councill met according to adjournment

PRESENT as before

The Speaker assumed the Chair

Then the Councill resolved themselves into a Comittee to consider of the Bill Entitled, An Act for the better clearing, regulating & further laying out publick High Roads in the City and County of Albany, and also of the Bill Entitled, An Act to encourage the destroying of Wolves and Panthers in the Counties of Ulster Dutchess and Orange

The Comittee having duely weighed and considered of the said Bills and being ready to make their Report thereon when the Councill would be pleased to receive the same

The Speaker resumed the Chair

Ordered, that the s^d Report be now made

Then the Hōnble Da^ll Horsmandin Esq Chairman of the Comittee to whom the said Bills were referred in his place reported that the Comittee had gone through the said Bills and had directed him to report them without any amendment

Which Report on the Question being put was agreed to and approved of

Ordered, that the said Bills be read a third time

Then the Councill adj^d till to morrow morning nine of the clock

Fryday, Octr 29th, 1742.

The Councill met according to adjournment

PRESENT — *The Honble* ARCHIBALD KENNEDY, Esq, Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DA^ll HORSMANDEN, Esq^rs.

The Speaker assumed the Chair

Ordered, that the Bill Entitled, An Act for the better clearing, regulating and further laying out publick High Roads in the City and County of Albany be now read a third time

Then the said Bill was read the third time and

On the Question being put

Resolved, that the said Bill do pass

Ordered, that the Bill Entituled, An Act to encourage the destroying of Wolves and Panthers in the Counties of Ulster Dutchess and Orange be now read a third time

Then the said Bill was read the third time and

On the Question being put

Resolved, that the said Bill do pass

Ordered, that the Hōnble Philip Cortlandt Esqr do acquaint the Generall Assembly that the Councill have passed the said Bills with^{t} any amendment

The Hōnble Da^{ll} Horsmanden Esq moved that the Councill might now resolve themselves into a Comittee to consider of the Bill Entituled, An Act for Explaining and rendring more Effectual An Act of the Generall Assembly of this Colony Entitled, An Act to oblige the Inhabitants of each particular Ward within the City of New York to make Good their respective Quotas of all publick Taxes

Which on the Question being put passed in the negative

Resolved, that the further consideration of the said Bill be deferred till the next meeting of the Councill

His Honour the Lieut^{t} Governour attended as usuall being come to the Councill Chamber sent a Message by the Deputy Clerck of the Councill to the Generall Assembly requiring their Imediate attendance at the Councill Chamber

The Generall Assembly attending accordingly with their Speaker

His Hōnour in the presence of the Councill and Generall Assembly gave his assent to the following Bills vizt

1 An Act further to continue An Act for & towards supporting the Government of this Colony by granting to his Majesty the Duties therein mentioned from the first day of Decr 1740 to the first day of Decr 1741

2 An Act further to continue as well An Act entitled, An Act to regulate the Militia of this Colony as the other Acts therein mentioned by which the same has been continued

3 An Act to Let to farm the Excise on Strong Liquors retailed in this Colony for one year which will end the first day of November 1743

4 An Act for the more effectual fortifying the City of Albany

5 An Act for paying out of the monyes appropriated for the support of this Government the Salaries services and contingencies therein mentioned untill the first day of Septr 1743

6 An Act for supporting the Garrison of Oswego and to regulate the Furr Trade in the County of Albany

7 An Act for the better clearing regulating & further laying out publick High Roads in the City and County of Albany

8 An Act to encourage the destroying of Wolves and Panthers in the Countyes of Ulster Dutchess and Orange

9 An Act to revive An Act Entitled, An Act to prevent the penning and Folding of Sheep and neat Cattle feeding on Hampstead plains

Then His Honour addressing himself to the Generall Assembly was pleased to say that after the af^{d} Acts were published the House might repair to the Assembly Chamber & adjourn itself to the third Tuesday in the month of April next Ensuing then to meet without any further notice

After which the said Acts were published at the City Hall with the usuall solemnity and his Honor returned back to his House

The Councill returned to the Councill Chamber

PRESENT as before

The Speaker assumed the Chair

His Honor the Govr having directed the Generall Assembly to adjourn themselves to the third Tuesday in Aprill next

The Councill therefore adjourned to the said third Tuesday in Aprill next then to meet & proceed to Businesse without further notice

TWENTY-SECOND ASSEMBLY TENTH SESSION.

At a Session *of the* Council and General Assembly *began at the City Hall, of* New York, *on* Tuesday, *the* 19th *day of* Aprill, 1743.

The General Assembly being adjourned to this day
The Council met at the Councill Chamber

PRESENT — *The Honble* ARCHIBALD KENNEDY, Esqr, Speaker,

JAMES DE LANCEY,
HENRY LANE,
DAl HORSMANDEN, Esqrs.

The Speaker assumed the Chair
The Councill being informed that there are not a sufficient number of the members of the General Assembly in Town to make a House they adjourned till Thursday morning 10 of the clock

Thursday, Aprill 21st, 1743.

The Councill met according to adjournment

PRESENT — *The Honble* ARCHIBALD KENNEDY, Esq, Speaker,

JAMES DE LANCEY,
HENRY LANE,
DAl HORSMANDEN, Esqrs.

The Speaker assumed the Chair
His Honour the Lieut Governour being come to the Council Chamber attended as usual sent a Message by the Deputy Clerk of the Council to the General Assembly requiring their Immediate Attendance at the Councill Chamber
The General Assembly Attending Accordingly with their Speaker
His Honour made a Speech to the Councill & General Assembly and delivered one Copy thereof to the Speaker of the Councill and another Copy to the Speaker of the General Assembly
After which his Honour left the Councill Chamber
Then the Speaker resumed the Chair
Ordered, that his Honours Speech be read
Which being read accordingly It was further
Ordered, that the same be entred in the Minutes and is in the words following

Gentlemen,
The nigh approach of the Winter at your last meeting not giveing you time to provide for all those necessary things which I recomended to you, I now again referr to your consideration such of them as remain unprovided for, hoping that now too, you will think it hightime to Give the Fort in this Town a thorrough repair as well as to lay in a Proper & sufficient Quantity of Powder, Ball and other necessary stores for that and all the others fforts and Batteries in the Province, that we may not be unprovided for our Defence in case the Enemy should at any time attack us nor be then to seek for them, when it be too late. When these things come under your consideration, you will Remember that there is not a Flag for any of the Forts
The Presents which the ffrench when they come into the Senecas Country feed those People with, makes it necessary that those whom we send to reside there should likewise have something to give to the Indians to prevent the Influence which otherwise the Enemy may gain over them, the Commissioners of Indian Affairs think it absolutely necessary, but at the same time declare that their allowance at this Critical juncture, is so small that they cannot furnish those Presents wherefore I recomend it to you to make some provision for that service

GEO CLARKE

New York Aprill 21st 1743

Ordered, that the said Speech be forthwith printed
Then the Council adjourned till Tuesday morning 10

Tuesday, Aprill 26th, 1743.

The Councill met according to adjournment

PRESENT — *The Honble* ARCHIBALD KENNEDY, Esqr, Speaker,
Mr LANE,
Dal HORSMANDEN, Esqrs.

The Speaker assumed the Chair
Then the Councill adjourned till to morrow morning 10 of the clock

Wednesday, Aprill 27th, 1743.

The Council met according to adjournment

PRESENT — *The Honbles* ARCHIBALD KENNEDY, Esqr, Speaker,
HENRY LANE,
DANl HORSMANDEN, Esqrs.

The Speaker assumed the Chair
A message from the Assembly by Mr Clarkson and Mr Nicoll with the Bill Entitled, An Act to apply the sum of four Hundred pounds for providing and furnishing the Garrison in New York with Fire Wood & Candles from the thirteenth of June next to the thirteenth of June one thousand seven hundred and forty four desiring the concurrence of the Councill thereto
Ordered, that the said Bill be now read
Then the said Bill was read the first time &
Ordered to be read a second time
A Message from the Assembly by Coll Moore and Mr Jones with the Bill entitled, An Act to repeal part of An Act Intituled, An Act for the more effectual preventing and punishing the Conspiracy and Insurrection of Negro & other Slaves, for the better regulating them, and for repealing the Acts herein mentioned relating thereto desiring the concurrence of the Council thereto
Ordered, that the said Bill be now read
Then the said Bill was read the first time and
Ordered to be read a second time
The Councill adjourned till to morrow morning 10 of the clock

Thursday, Aprill 28th, 1743.

The Councill met according to adjournment

A Message from the Assembly by Colo Morris and Mr Jones with the Bill Entituled, An Act to regulate Prosecutions by Informations in the Supreme Court of this Colony desiring the concurrence of the Council thereto
Ordered, that the said Bill be now read
Then the said Bill was read the first time &
Ordd to be read a second time
Ordered, that the Bill Entitled, An Act to apply the sum of four hundred pounds for providing & furnishing the Garrison in New York with Fire Wood & Candles from the thirteenth of June next to the thirteenth of June one thousand seven hundred and forty four be now read the second time
Then the said Bill was read the second time & committed to the Gentlemen of the Council or any three of them
Ordered, that the Bill Entituled, An Act to repeal part of An Act Intituled, An Act for the more effectual preventing & punishing the conspiracy & Insurrection of Negro & other Slaves, for the better Regulating them & for repealing the acts therein mentioned relating thereto be now read ye 2d time
Then the said Bill was read the second time & Committed to the Gentlemen of the Council or any five of them
A Message from the Assembly by Captn Winne & Captn Bradt with the Bill Intituled, An Act to Enable the Mayor Recorder & Aldermen of the City of Albany and the Justices of the

peace of the said City & County to raise a further sum of four hundred pounds to finish & compleat the Court House & Goal for the said City and County desiring the concurrence of the Councill thereto

Then the said Bill was read the first time &

Ordered to be read the second time

Mr Attorney General having been informed that the Assembly had passed a Bill Entituled, An Act to regulate Prosecutions in the Supreme Court of this Colony and had sent the same to the Councill for their concurrence he therefore prayed a copy of the sd Bill and that he might be heard agt the same

Ordered, that Mr Attorney General have a Copy of the said Bill and that he have liberty to Speak to it before the Committee

The Councill adjourned till to morrow morning 10

Fryday, Aprill 29th, 1743.

The Council met according to adjournment

PRESENT — *The Honble* ARCHIBALD KENNEDY, Esq, Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DAl HORSMANDEN, Esqrs.

The Speaker assumed the Chair

Ordered, that the Bill Entituled, An Act to regulate Prosecutions by Informations in the Supreme Court of this Colony be now read the second time

Then the said Bill was read the second time and Committed to the Gentlemen of the Councill or any five of them

Ordered, that the Bill Entituled An Act to Enable the Mayor, Recorder & Aldermen of the City of Albany and the Justices of the Peace of the said City & County to raise a further sum of four hundred pounds to finish and compleat the Court House & Goal for the said City & County be now read the second time

Then the said Bill was read the second time and committed to the Gentlemen of the Councill or any five of them

Ordered, that the Bill brought up from the Assembly at their last sitting Entituled, An Act for Explaining & rendring more effectual An Act of the Governour Councill & Generall Assembly Intituled, An Act to oblige the Inhabitants of each particular Ward within the City of New York to make good their respective Quota's of all publick Taxes and which was then twice read & ordered to be committed but the further consideration thereof postponed till this meeting be now committed.

Then the Councill resolved themselves into a Committee to consider of the said Bill & also of the Bill Entituled, An Act to apply the sum of four hundred pounds for providing and furnishing the Garrison in New York with Fire Wood and Candles from the thirteenth of June next to the thirteenth of June one thousand seven hundred ahd forty four and also of the Bill Entituled, An Act to Enable the Mayor Recorder and Aldermen of the City of Albany and the Justices of the Peace of the said City & County to raise a farther sum of four hundred pounds to finish and compleat the Court house and Goal for the said City and County

The Committee having duely weighed & considered of the said Bills and being ready to make their report thereon when the Councill would be pleased to receive the same

The Speaker resumed the Chair

Ordered, that the Report be now made

Then the Hōnble Daniel Horsmanden Chairman of the Committee to whom the said Bills were referred in his place reported that the Committee had gone through the said Bills and had directed him to report them without any Amendment

Which Report on the Question being put was agreed to and approved of

Ordered, that the said Bills be each of them read a third time

The Councill being ready to go into a Committee on the Bill Entituled, An Act to regulate Prosecutions by Informations in the Supreme Court of this Colony and His Majestyes Attorney General and Mr Murray of Council with him attending without were called in & pursuant to an order of the Council were heard agt the passing of the said Bill

Mr Attorney General & Mr Murray withdrew

Then the Council resolved themselves into a Comittee to consider of the said Bill and after some time spent therein

The Speaker resumed the Chair

Then the Hōnble Dall Horsmanden Esqr Chairman of the Committee in his place reported that the Comēe had made some progress in the said Bill and desired leave to sit again and

On the Question being put

Ordered, that the further consideration of the said Bill be postponed till the next session

Then the Councill resolved themselves into a Committee to consider of the Bill Entituled, An Act to repeal part of An Act Intituled, An Act for the more effectual Preventing and Punishing the Conspiracy and Insurrection of Negro & other Slaves for the better regulating them & for repealing the Acts therein mentioned relating thereto

The Committee having duely weighed and Considered of the said Bill and being ready to make their Report thereon when the Councill would be pleased to receive the same

The Speaker resumed the Chair

Ordered, that the said Report be now made

Then the Hōnble Daniel Horsmanden Esqr Chairman of the Committee to whom the s^d Bill was referred in his place reported that the Committee had gone through the said Bill & had directed him to report it without amendment

Which Report on the Question being put was agreed to

Then the Question was put

Whether the said Bill be read the third time? and

It passed in the negative

Resolved, *nemine Contradicente* that the said Bill be rejected

Then the Councill adjourned till 4 of the clock in the afternoon

Fryday, *Aprill* 29th, 1743. P^t Merid

The Councill met according to adjournm^t

PRESENT as before

The Speaker assumed the Chair

Ordered, that the Bill Entituled, An Act to Enable the Mayor Recorder and Aldermen of the City of Albany and the Justices of the peace of the said City & County to raise a farther sum of four hundred pounds to finish & compleat the Court House and Goal for the said City & County be now read the third time

Then the said Bill was read the third time &

On the Question being put

Resolved, That the said Bill do pass

Ordered, that the Bill Entituled, An Act to apply the sum of four hundred pounds for providing & furnishing the Garrison in New York with Fire Wood & Candles from the thirteenth of June next to the thirteenth of June one thousand seven hundred and forty four be now read ye third time

Then the said Bill was read the third time and

On the Question being put

Resolved, that the said Bill do pass

Ordered, that the Bill Entituled, An Act for Explaining and rendring more effectual An Act of the Governour Councill and General Assembly Intituled, An Act to oblige the Inhabitants of each particular Ward within the City of New York to make Good their respective Quota's of all publick Taxes be now read the third time

Then the said Bill was read the third time and

On the Question being put

Resolved, that the said Bill do pass

Ordered, that the Hōnble Da^l Horsmanden Esqr do acquaint the General Assembly that the Councill have passed the said Bill without any amendment

The Councill adjourned till to morrow morning 10 of the clock

Saturday, *Aprill* 30th, 1743.

The Council met according to adjournment

PRESENT — *The Honble* ARCHIBALD KENNEDY, Esqr, Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
HENRY LANE,
DA^l HORSMANDEN, Esq^rs.

The Speaker assumed the Chair

His Honour the Lieut^t Governour attended as usual being come to the Council Chamber sent a message by the Deputy Clerk of the Councill to the General Assembly requiring their Immediate attendance at the Council Chamber

The General Assembly attended accordingly with their Speaker

His Honour in the presence of the Councill and General Assembly gave his assent to the following Bills vizt

1 An Act to enable the Mayor Recorder & Aldermen of the City of Albany and the Justices of the peace of the said City and County to raise a farther sum of four hundred pounds to finish and compleat the Court House & Goal for the said City and County

2 An Act to apply the sum of four hundred pounds for providing and furnishing the Garrison in New York with Fire Wood & Candles from the thirteenth of June next to the thirteenth of June one thousand seven hundred and forty four

3 An Act for Explaining and Rendering more Effectual An Act of the Governour Council and the Generall Assembly Intituled, An Act to oblige the Inhabitants of each particular Ward within the City of New York to make Good their respective Quota's of all publick Taxes

Then His Honour addressing himself to the General Assembly was pleased to say that after the af^d Acts were published the House might repair to the Assembly Chamber & adjourn itself to the first Tuesday in August next then to meet without further notice

After which the af^d Acts were published at the City Hall with the usual solemnity and his Honour returned back to his House

The Councill returned to the Councill Chamber

PRESENT as before

The Speaker assumed the Chair

His Honour the Lieut Governor having directed the General Assembly to adjourn themselves to the first Tuesday in August next

The Councill therefore adjourned themselves to the first Tuesday in August next then to meet without further notice

Tuesday, August the 2^d, 1743.

The Councill met according to adjourment

PRESENT — *The Honble* ARCHIBALD KENNEDY, Esq, Speaker,

JAMES DE LANCEY,
HENRY LANE,
DA^l HORSMANDEN, Esq^rs.

The Speaker assumed the Chair

There not being a sufficient number of members of the General Assembly in Town to proceed to Business and His Honor the Lieut Governour having directed them to adjourn to the fourth Tuesday in this month

The Councill therefore adjourned to the fourth Tuesday in this month then to meet without further notice

Tuesday, Augt the 23^d, 1743.

The Council met according to adjournment

PRESENT — *The Honble* ARCHIBALD KENNEDY, Esq, Speaker,

JAMES DE LANCEY,
PHILIP CORTLANDT,
DA^l HORSMANDEN, Esq^rs.

The Speaker assumed the Chair

The Councill being informed that there were not a sufficient number of members in Town to proceed to Business and his Honour ye Lieut Governour having directed them to adjourn to the first Tuesday in Sep^r

The Councill therefore adjourned themselves to the first Tuesday in September being the sixth then to meet without further notice

Tuesday, September 6th, 1743.

The Council met according to adjournment

PRESENT — *The Honble* ARCHIBALD KENNEDY, Esq, Speaker,

JAMES DE LANCEY,
DAl HORSMANDEN, Esqrs.

The Speaker assumed the Chair

There not being a sufficient number of members in Town to proceed to Business and His Honour having directed the General Assembly to adjourn itself to the fourth Tuesday of this month then to meet & proceed to business without further notice

The Councill therefore adjourned themselves to the fourth Tuesday of this Instant September which will be the 27th then to meet & proceed to Business without further notice

Tuesday, September 27th, 1743.

The Councill met according to adjournment

PRESENT — *The Honble* CADWALLADER COLDEN, Esqr, Speaker,

ARCHIBALD KENNEDY,
JAMES DE LANCEY,
HENRY LANE, Esqrs.

The Speaker assumed the Chair

His Excellency the Honourable George Clinton Esqr Captain General and Governour in Chief of this province having arrived here & published his Commission since the last sitting of the Councill

His Excellency came to the Council Chamber and having taken his place sent a Message by the Deputy Clerk of the Council to the General Assembly requiring their immediate attendance at the Council Chamber

The General Assembly attending accordingly with their Speaker

His Excellency DISSOLVED the General Assembly by a Speech in the words following

Gentlemen,

As His Sacred Majesty has been graciously pleased to constitute me Captain General and Governor in Chief of this his loyal Province It is no small pleasure to me that I have this early oportunity of declaring, That I am come with a sincere intention to make the Prosperity of the Colony the Chief care and study of my administration, in Imitation of my Royal Master, who places his greatest Glory in the Happiness of his People

And as I am informed it has been the General Practise to have a new election of an Assembly upon the publication of new Comissions to Governours and that the continuance of that practice will be agreeable to the people of this province

I do therefore with the advice of his Majestyes Council and by Virtue of the power & Authority given to me by his Majestyes Letters patent under the Broad Seal of Great Britain, DISSOLVE the present General Assembly, and the said Assembly is DISSOLVED accordingly

GEORGE CLINTON

His Excellency then delivered a copy of his said Speech to the Speaker of the Council and returned with the usual Solemnity to his House

14 DAY USE
RETURN TO DESK FROM WHICH BORROWED

DOCUMENTS DEPT.

This book is due on the last date stamped below, or
on the date to which renewed.
Renewed books are subject to immediate recall.

MAR 11 1965	
~~FEB 01 1973~~	
FEB 26 1973	
~~MAR 22 1973~~ MAR 22 1973	
AUTO CHARGE OCT 11 1989	
~~RECD IN~~ DOCS DEPT.	SEP 18 1989

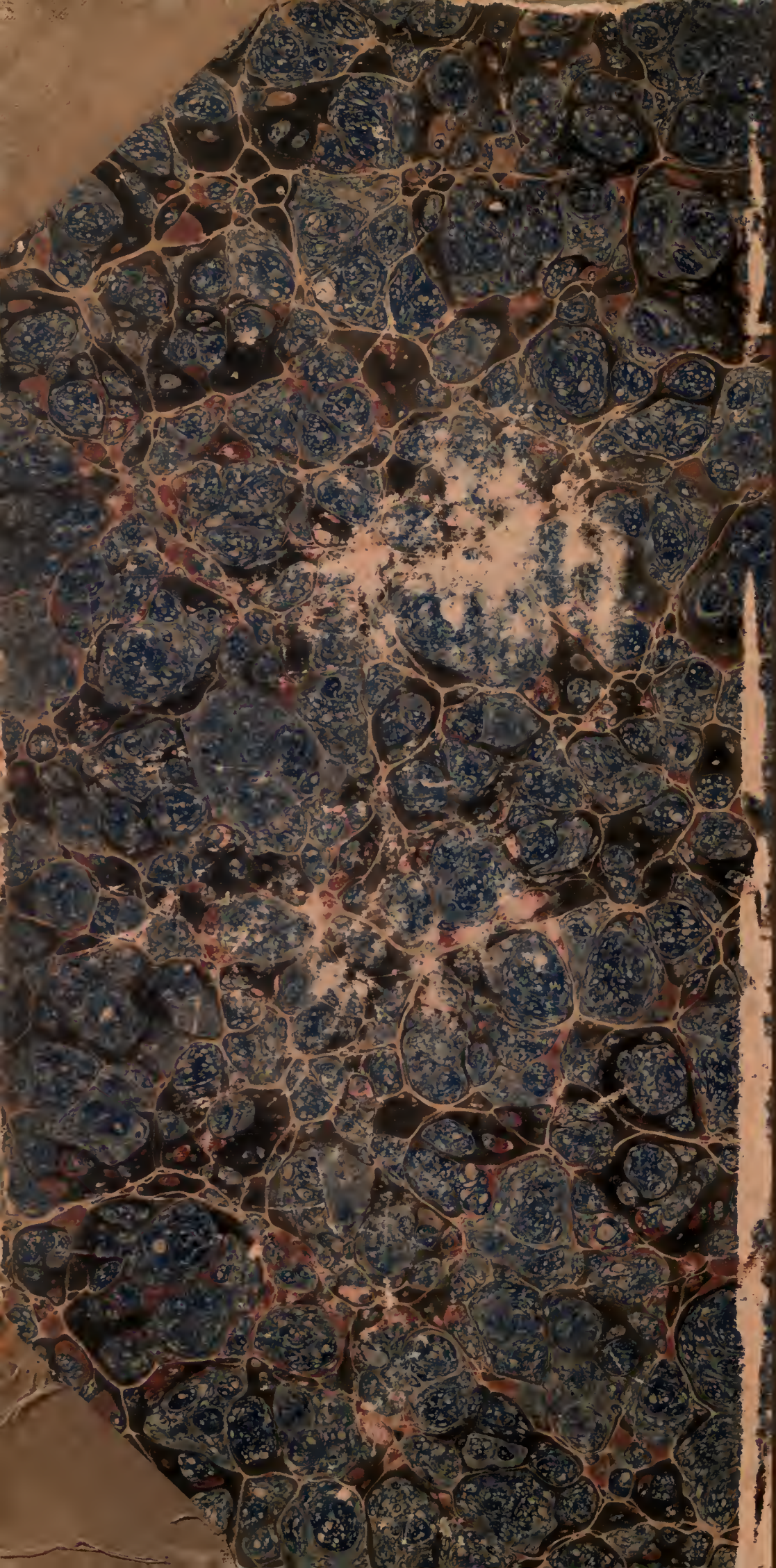
LD 21A-20m-4,'63
(D6471s10)476

General Library
University of California
Berkeley

U.C. BERKELEY LIBRARIES

C022393667

943285

F122
A18
v.1

THE UNIVERSITY OF CALIFORNIA LIBRARY